

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 24 1998

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EDDIE M. BEASLEY,

Defendant.

No. 82-CR-87-C

98CV813 C

ORDER

ENTERED ON DOCKET
NOV 30 1998
DATE _____

Currently pending before the Court is the motion filed by defendant, Eddie Beasley, styled "Petition for Writ of Error Coram Nobis." However, since Beasley clearly requests that the Court vacate his conviction and sentence, his motion is properly construed as one brought pursuant to 28 U.S.C. § 2255.

In his present motion, Beasley seems to represent that the motion relates to two separate case numbers in which he was a defendant: 82-CR-87 and 96-CR-153. In his opening paragraph of the present motion, Beasley states that he was convicted in this Court on January 14, 1983, following a jury trial for certain controlled substance violations. He goes on to state that in July of 1996, he "was taken into custody, resulting in Case No. 96-CR-153-001-C, which is tied directly with Case No. 82-CR-87-02-C." The docket also reveals that Beasley was involved in a related case, 88-CR-74. However, throughout his present motion, he repeatedly cites to, and raises complaints concerning, case number 82-CR-87. For instance, Beasley makes the following assertions in his present motion: (1) the Court sentenced him to thirteen years imprisonment and imposed a \$20,000 fine arising from the 1982 case, (2) although his sentence was reduced because of his military service in Vietnam, no

446/2

consideration was given for his service in Korea, (3) his trial attorney in the 1982 case was Richard Esper, and (4) his conviction and sentence were affirmed on appeal in 1984. Beasley proceeds to make repeated attacks on Esper's performance during his trial and subsequent appeal, alleging ineffective assistance. He alleges prosecutorial misconduct, and he argues that the Court imposed excessive bail. He additionally attacks his sentence of imprisonment, as well as the Court's imposition of the \$20,000 fine. Beasley also claims that the Bureau of Prisons does not have the right to collect fines for the Court. In contrast, Beasley makes virtually no mention of his 1996 case or resulting conviction and sentence, and he does not appear to attack any aspect of the 1996 case. Because it is clear to the Court that the present motion only challenges Beasley's conviction and sentence resulting from case number 82-CR-87, the motion has been docketed accordingly.

Prior to addressing the merits of Beasley's motion, the Court notes that § 2255, as amended in April of 1996, provides for a one-year limitations period in which to file a § 2255 motion after the date on which the judgment of conviction becomes final. Following this amendment to § 2255, however, the Tenth Circuit mandated a one-year grace period in which to allow the filing of § 2255 motions, holding that "prisoners whose convictions became final on or before April 24, 1996 must file their § 2255 motions before April 24, 1997." United States v. Simmonds, 111 F.3d 737, 746 (10th Cir.1997). It is clear that Beasley's conviction became final prior to April 24, 1996, yet his present motion was not submitted until October 14, 1998. As such, his present motion is time-barred.

Further, even if the Court were to construe the present motion as one made under case number 96-CR-153, the Court would reach the same result. Beasley was sentenced on December 20, 1996, and judgment was entered on January 6, 1997. Beasley did not file a direct appeal. Hence, the judgment of conviction became final ten days after judgment was entered, at the time when

Beasley could no longer file a direct appeal. See Allen v. Hardy, 106 S.Ct. 2878 (1986) (judgment of conviction is final when the judgment of conviction is rendered and the availability of appeal exhausted). Thus, since judgment of conviction became final in January 1997, and because the present motion was not submitted until October 14, 1998, more than one year after the judgment became final, Beasley's motion is time-barred.

Accordingly, Beasley's motion pursuant to § 2255 is hereby DENIED.

IT IS SO ORDERED this 23rd day of November, 1998.



H. Dale Cook
U.S. District Judge

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

ENTERED ON DOCKET

UNITED STATES OF AMERICA

DATE 11-25-98

v.

Case Number 98-CR-087-001-K

HAMMAD AKMAL
Defendant.

FILED

NOV 25 1998

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

Phil Lombardi, Clerk
U.S. DISTRICT COURT

The defendant, HAMMAD AKMAL, was represented by Lorie D. Melone.

On motion of the United States the court has dismissed Count 2 of the Indictment.

The defendant pleaded guilty to Count 1 of the Indictment, August 13, 1998. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 371	Conspiracy to Use Counterfeit Access Devices	6/4/98	1

As pronounced on November 12, 1998, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 100, for Count 1 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 24 day of November, 1998.


The Honorable Terry C. Kern, Chief
United States District Judge

Defendant's SSN: 606-68-5687

Defendant's Date of Birth: 08/31/73

Defendant's residence and mailing address: 12635 Franklin Court #8C, Chino CA 91710

Defendant: HAMMAD AKMAL
Case Number: 98-CR-087-001-K

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 9 months.

The Court makes the following recommendations to the Bureau of Prisons: that the defendant serve the remainder of his sentence in the Turley Correctional Center in Turley, Oklahoma.

The defendant is remanded to the custody of the United States Marshal.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: HAMMAD AKMAL

Case Number: 98-CR-087-001-K

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of three (3) years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the Probation Office in the district to which the defendant is released as soon as possible, but in no event later than 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.
4. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.
5. As a condition of supervised release, upon completion of your term of imprisonment, you are to be surrendered to a duly-authorized immigration official for determination as to deportation in accordance with the established procedures provided by the Immigration and Naturalization Act, 8 USC §§ 1101-1524. It is further a condition of supervised release, if ordered deported, you shall remain outside the United States until termination of the term of supervised release. Should the defendant serve any portion of supervised release within the United States, the listed conditions are ordered.

STANDARD CONDITIONS OF SUPERVISION

- 1) You will not leave the judicial district without the permission of the Court or probation officer.
- 2) You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
- 3) You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
- 4) You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
- 5) You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
- 6) You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 7) You will notify the probation officer ten days prior to any change of residence or employment.
- 8) You will not frequent places where controlled substances are illegally sold, used, distributed, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
- 9) You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
- 10) You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
- 11) You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
- 12) You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
- 13) You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
- 14) You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
- 15) As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirement.
- 16) You will not possess a firearm, destructive device, or other dangerous weapon.

Defendant: HAMMAD AKMAL
Case Number: 98-CR-087-001-K

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$27,419.73.

The defendant shall make restitution to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Bank of America Department Number 4162 1825 East Buckeye Phoenix, Arizona 85034 Attn: Christine Smith (reference case number 31180, involving Hammad Akmal, Ebratollah Sakaeifar and Foster O'Quin)	\$27,419.73

Payments of restitution are to be made to the Clerk of the Court for the Northern District of Oklahoma or transfer to the payee.

Restitution shall be paid in full immediately, jointly and severally by all codefendants. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid as a condition of supervised release, except that no further payment shall be required after the sum of the amounts actually paid by all defendants has fully covered the compensable injury. The amount of restitution shall be offset should any of the seized computers be forfeited to the victim of this case.

If a victim has received compensation from insurance or any other source with respect to a loss, any restitution ordered shall be paid to the person who is a victim before any restitution is paid to any such provider of compensation.

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

Defendant: HAMMAD AKMAL
Case Number: 98-CR-087-001-K

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

Guideline Range Determined by the Court:

Total Offense Level:	10
Criminal History Category:	I
Imprisonment Range:	6 months to 12 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 2,000 to \$ 20,000
Restitution:	\$ 27,419.73

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

BJS

CU

FILED
NOV 20 1998 *PS*

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

UNITED STATES OF AMERICA

v.

Case Number 98-CR-076-001-C ✓

DARRELL LEE MORGAN
Defendant.

ENTERED ON DOCKET

DATE 11/20/98

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

The defendant, DARRELL LEE MORGAN, was represented by Jack Schisler.

On motion of the United States the court has dismissed Counts 1, 3 & 4 of the Indictment.

The defendant pleaded guilty to Count 2 of the Indictment, August 6, 1998. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 922(g)(1)	Possession of a Firearm After Former Conviction of a Felony	2/27/98	2

As pronounced on November 9, 1998, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 100, for Count 2 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 19th day of Nov., 1998.


The Honorable H. Dale Cook
United States District Judge

Defendant's SSN: 444-56-6679

Defendant's Date of Birth: 4/23/53

Defendant's residence and mailing address: 215 Southeast DeBell Avenue, #5, Bartlesville OK 74006

Defendant: DARRELL LEE MORGAN
Case Number: 98-CR-076-001-C

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 46 months.

The defendant is remanded to the custody of the United States Marshal.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: DARRELL LEE MORGAN

Case Number: 98-CR-076-001-C

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of three (3) years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the Probation Office in the district to which the defendant is released as soon as possible, but in no event later than 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency. This condition shall include the search of any computer the defendant may own, use or possess and also contemplates any computer data storage devices such as compact or floppy discs.
4. The defendant shall comply with the "Special Sex Offender Conditions" as enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on October 18, 1998.

STANDARD CONDITIONS OF SUPERVISION

- 1) You will not leave the judicial district without the permission of the Court or probation officer.
- 2) You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
- 3) You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
- 4) You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
- 5) You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
- 6) You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 7) You will notify the probation officer ten days prior to any change of residence or employment.
- 8) You will not frequent places where controlled substances are illegally sold, used, distributed, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
- 9) You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
- 10) You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
- 11) You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
- 12) You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
- 13) You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
- 14) You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
- 15) As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirement.
- 16) You will not possess a firearm, destructive device, or other dangerous weapon.

Defendant: DARRELL LEE MORGAN
Case Number: 98-CR-076-001-C

FINE

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived.

The defendant shall pay a fine of \$ 2,000, as to Count 2. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid as a condition of supervised release.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: DARRELL LEE MORGAN
Case Number: 98-CR-076-001-C

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

Guideline Range Determined by the Court:

Total Offense Level:	21
Criminal History Category:	II
Imprisonment Range:	41 months to 51 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 10,000 to \$ 100,000
Restitution:	\$ n/a

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

FILED

NOV 20 1998

Phil Lombardi, Clerk
U.S. DISTRICT COURTUNITED STATES DISTRICT COURT
Northern District of Oklahoma

UNITED STATES OF AMERICA

v.

Case Number 98-CR-140-001-BU

JOHN LOUIS PELLEGRINO
Defendant.

ENTERED ON DOCKET

DATE 11-20-98**JUDGMENT IN A CRIMINAL CASE**
(For Offenses Committed On or After November 1, 1987)

The defendant, JOHN LOUIS PELLEGRINO, was represented by Martin G. Hart.

The defendant pleaded guilty to Count 1 of the Indictment, October 27, 1998. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 115	Threatening a Federal Official	8/20/98	1

As pronounced on November 16, 1998, the defendant is sentenced as provided in pages 2 through 4 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 100, for Count 1 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 19th day of November, 1998.

 The Honorable Michael Burrage
 United States District Judge

Defendant's SSN: 051-64-2481

Defendant's Date of Birth: 3/24/73

Defendant's residence and mailing address: c/o Tulsa County Jail, 500 S. Denver, Tulsa OK 74103

Defendant: JOHN LOUIS PELLEGRINO
Case Number: 98-CR-140-001-BU

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of the 12 months and 1 day. This term shall run consecutively to Northern District of Oklahoma case 96-CR-105-001-H.

The defendant is remanded to the custody of the United States Marshal.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: JOHN LOUIS PELLEGRINO

Case Number: 98-CR-140-001-BU

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of two(2) years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the Probation Office in the district to which the defendant is released as soon as possible, but in no event later than 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.

STANDARD CONDITIONS OF SUPERVISION

- 1) You will not leave the judicial district without the permission of the Court or probation officer.
- 2) You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
- 3) You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
- 4) You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
- 5) You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
- 6) You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 7) You will notify the probation officer ten days prior to any change of residence or employment.
- 8) You will not frequent places where controlled substances are illegally sold, used, distributed, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
- 9) You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
- 10) You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
- 11) You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
- 12) You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
- 13) You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
- 14) You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
- 15) As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirement.
- 16) You will not possess a firearm, destructive device, or other dangerous weapon.

Defendant: JOHN LOUIS PELLEGRINO
Case Number: 98-CR-140-001-BU

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

Guideline Range Determined by the Court:

Total Offense Level:	13
Criminal History Category:	VI
Imprisonment Range:	33 months to 41 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 3,000 to \$ 30,000
Restitution:	\$ n/a

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence departs from the guideline range for the following reason: pursuant to the Rule 11(e)(1)(C) Plea Agreement.

BJJ

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

FILED
 NOV 19 1998

UNITED STATES OF AMERICA

v.

Case Number 97-CR-009-002-B

Phil Lombardi, Clerk
 U.S. DISTRICT COURT

IRVIN CHRISTOPHER MCHENRY
 Defendant.

ENTERED ON DOCKET

DATE NOV 19 1998

JUDGMENT IN A CRIMINAL CASE
 (For Offenses Committed On or After November 1, 1987)

The defendant, IRVIN CHRISTOPHER MCHENRY, was represented by Robert S. Durbin.

The defendant was found guilty on Count 1 of the Second Superseding Indictment after a plea of not guilty. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

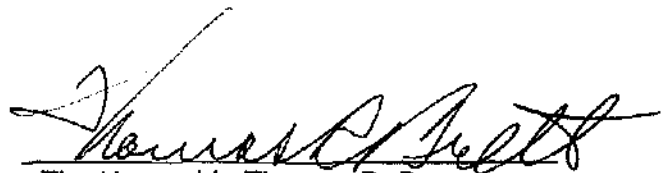
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 371	Conspiracy; Interstate Transportation of Stolen Goods	11/30/96	1

As pronounced on October 27, 1998, the defendant is sentenced as provided in pages 2 through 6 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 100, for Count 1 of the Second Superseding Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 18th day of Nov., 1998.



The Honorable Thomas R. Brett
 United States District Judge

Defendant's SSN: 443-72-1251

Defendant's Date of Birth: 12/8/56

Defendant's residence and mailing address: 213 N. Jeffrey, Catoosa OK 74015

United States District Court
 Northern District of Oklahoma } SS
 I hereby certify that the foregoing
 is a true copy of the original on file
 in this court.

Phil Lombardi, Clerk

By 
 Deputy

Defendant: IRVIN CHRISTOPHER MCHENRY
Case Number: 97-CR-009-002-B

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 33 months.

The defendant is ordered released on bond pending appeal.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: IRVIN CHRISTOPHER MCHENRY
Case Number: 97-CR-009-002-B

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of three (3) years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the Probation Office in the district to which the defendant is released as soon as possible, but in no event later than 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.
4. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

STANDARD CONDITIONS OF SUPERVISION

- 1) You will not leave the judicial district without the permission of the Court or probation officer.
- 2) You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
- 3) You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
- 4) You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
- 5) You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
- 6) You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 7) You will notify the probation officer ten days prior to any change of residence or employment.
- 8) You will not frequent places where controlled substances are illegally sold, used, distributed, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
- 9) You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
- 10) You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
- 11) You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
- 12) You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
- 13) You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
- 14) You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
- 15) As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirement.
- 16) You will not possess a firearm, destructive device, or other dangerous weapon.

Defendant: IRVIN CHRISTOPHER MCHENRY
Case Number: 97-CR-009-002-B

FINE

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived.

The defendant shall pay a fine of \$ 5,000, as to Count 1. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: IRVIN CHRISTOPHER MCHENRY
Case Number: 97-CR-009-002-B

RESTITUTION AND FORFEITURE**RESTITUTION**

The defendant shall make restitution in the total amount of \$56,230. Interest on restitution is waived by the Court.

The defendant shall make restitution to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Linda Merriman 516 North Santa Fe Avenue, Apt. A Tulsa, Oklahoma 74127	\$250
State Farm Fire and Casualty Company Attn: Mitch Stoll (Claim #36F-109844, Linda Merriman) PO Box 1589 Broken Arrow, Oklahoma 74013	\$614
Steven W. Zimmerman 14571 Zimmerman Lane Rogers, Arkansas 72756	\$500
Federated Insurance Company Attn: Chris Hildebrand (Claim #46-P-18780) PO Box 419444 Kansas City, Missouri 64147	\$1,868
Tom Hill c/o The Woodshed 11367 East 61 Street Tulsa, Oklahoma 74146	\$250
American States Insurance Company (Claim #362-0033-439) 10830 East 45th Tulsa, Oklahoma 74146	\$3,725
Alan Walker PO Box 372 Centerton, Arkansas 72719	\$50
Arkansas Farm Bureau Company Attn: Kevin McKenzie (Claim ACA-746041) PO Box 31 1077 Kanis Road Little Rock, Arkansas 72203-0031	\$2,925
James Schwars 13539 East 38th Place Tulsa, Oklahoma 74146	\$16,000

Defendant: IRVIN CHRISTOPHER MCHENRY
Case Number: 97-CR-009-002-B

RESTITUTION AND FORFEITURE
RESTITUTION CONTINUED

Thomas L. Upton 1414 Feast Place Rogers, Arkansas 72757	\$1,900
Betty Garrett 801 South Turner Street Springdale, Arkansas 72764	\$4,500
Forest of the Ozarks 17590 Pleasant View Road Rogers, Arkansas 72756	\$500
State Farm Fire and Casualty Company (Claim #04-A014-550, Forest of Ozarks) 688 Millsap Road Fayetteville, Arkansas 72703	\$955
Whitestar Machinery and Supply 5401 South Mingo Tulsa, Oklahoma 74146	\$2,500
Hanover Insurance Company (File #58-040151-019) 5110 South Yale Tulsa, Oklahoma 74135	\$9,203
William L. Brown PO Box 657 Ketchum, Oklahoma 74349	\$10,450

Payments of restitution are to be made to the Clerk of the Court for the Northern District of Oklahoma for transfer to the payees.

Restitution shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid as a condition of supervised release, except that no further payment shall be required after the sum of the amounts actually paid by all defendants has fully covered the compensable injury.

If a victim has received compensation from insurance or any other source with respect to a loss, the court shall order that restitution be paid to the person who provided or is obligated to provide the compensation, but the restitution order shall provide that all restitution of victims required by the order be paid to the victims before any restitution is paid to such a provider of compensation.

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

Defendant: IRVIN CHRISTOPHER MCHENRY
Case Number: 97-CR-009-002-B

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report, except for some factual changes and a reduction in the restitution amount. The Court ordered the U.S. Probation Office to prepare and issue an amended presentence report that incorporates the changes ordered by the Court. Except the restitution, none of the changes impact the guidelines, criminal history score or other sentencing issues.

Guideline Range Determined by the Court:

Total Offense Level:	20
Criminal History Category:	I
Imprisonment Range:	33 months to 41 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 7,500 to \$ 75,000
Restitution:	\$ 56,230

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

LMS

UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 19 1998

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA)
Plaintiff)

vs.)

BOBBY VERNON MCHENRY)
Defendant)

Case No. 97-CR-009-01-B

ENTERED ON DOCKET
NOV 19 1998
DATE

ORDER
NUNC PRO TUNC

On October 26, 1998, the defendant appeared for sentencing at which time the court committed the defendant to the custody of the U.S. Bureau of Prisons for forty-one months. Further, the Court imposed a term of supervised release, and restitution in the amount of \$72,003.00. Due to events that occurred the following day during a sentencing hearing on a codefendant, the Court has determined the amount of restitution ordered was incorrect and should be reduced.

On October 27, 1998, a sentencing hearing was held on codefendant Irvin Christopher McHenry. During that hearing the Court heard arguments by the defendant and his counsel concerning objections they made to the presentence report. Specifically, they objected to the inclusion of some stolen "span-alls," valued at \$7,000.00, in the loss amount. This amount reflected the victim's estimate of what he believed the equipment was worth. An insurance company placed a greater value on the equipment and paid their insured, the victim,

United States District Court
Northern District of Oklahoma } SS
I hereby certify that the foregoing
is a true copy of the original on file
in this court.

Phil Lombardi, Clerk

By

Deputy

\$15,773.00 on the equipment and related tools. Accordingly, the defendant objected to the inclusion of the \$15,773.00 payable to Farmers Insurance Company in the restitution amount set forth in the presentence report.

At the request of the Court, the U.S. Probation Office reviewed the evidence relied upon to include the "span-alls" in the loss amount. The probation office concluded there was a lack of evidence to conclude that the defendants ever received, sold, or otherwise disposed of the "span-alls" and recommended a revision to the presentence report that omitted the "span-alls" from the guideline loss amount. Therefore, the Court found the defendants should not be held accountable for that specific theft and related loss. The Court ordered that the guideline loss amount should be reduced by \$7,000.00. This reduction in the offense level did not change the otherwise applicable offense level.

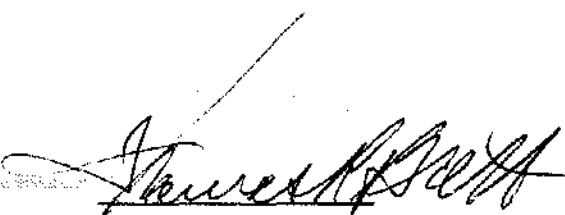
Exonerating the McHenrys of responsibility for the stolen "span-alls" affected the restitution amount applicable for Irvin Christopher McHenry. The proposed restitution to Farmers Insurance Company in the amount of \$15,773.00 was deleted from the total restitution amount applicable in his case. The Court found restitution in the amount of \$56,203.00 was appropriate. Codefendant Irvin Christopher was ordered to pay that amount jointly and severally with this defendant, Bobby Vernon McHenry.

Consistent with the Court's findings in the case of Irvin Christopher McHenry, the same findings are appropriate and applicable to this defendant, Bobby Vernon McHenry. The guideline loss amount should be reduced \$7,000.00. This does not change the otherwise

applicable offense level for Bobby Vernon McHenry. In addition, the previously imposed restitution in the amount of \$72,003.00 should be reduced by \$15,773.00.

Accordingly, the Court modifies the findings as to the guideline loss amount and the restitution portion of the sentence, Nunc Pro Tunc, and orders that the defendant immediately pay restitution in the amount of \$56,230.00. As previously imposed, this amount shall be paid jointly and severally with codefendant Irvin Christopher McHenry.

It is so ordered this 15th day of Nov., 1998.


Thomas R. Brett
United States District Judge

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

FILED

NOV 19 1998

UNITED STATES OF AMERICA

v.

Case Number 97-CR-009-001-B

Phil Lombardi, Clerk
U.S. DISTRICT COURTBOBBY VERNON MCHENRY
Defendant.

ENTERED ON DOCKET

NOV 19 1998

DATE _____

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

The defendant, BOBBY VERNON MCHENRY, was represented by Keith Ward.

The defendant was found guilty on June 2, 1998, on Counts 1, 2 & 3 of the Second Superseding Indictment after a plea of not guilty. Accordingly, the defendant is adjudged guilty of such counts, involving the following offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 371	Conspiracy, Interstate Transportation of Stolen Goods	11/30/96	1
18 USC 2314 & 2(b)	Interstate Transportation of Stolen Goods and Causing a Criminal Act	9/13/95	2
18 USC 2314 & 2(b)	Interstate Transportation of Stolen Goods and Causing a Criminal Act	10/17/95	3

As pronounced on October 26, 1998, the defendant is sentenced as provided in pages 2 through 6 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 300, for Counts 1, 2 & 3 of the Second Superseding Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 18th day of Nov., 1998.

Thomas R. Brett
 The Honorable Thomas R. Brett
 United States District Judge

Defendant's SSN: 442-62-0313

Defendant's Date of Birth: 12/8/56

Defendant's residence and mailing address: 17825 E. Archer, Catoosa OK 74015

United States District Court
 Northern District of Oklahoma } ss
 I hereby certify that the foregoing
 is a true copy of the original on file
 in this court.

Phil Lombardi, Clerk

By *[Signature]*
Deputy

Defendant: BOBBY VERNON MCHENRY
Case Number: 97-CR-009-001-B

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 41 months, as to each of Counts 1, 2 & 3. The terms of imprisonment shall run concurrently, each with the other. The Court will issue a separate order allowing the defendant to remain on bond pending disposition of this case on appeal.

The defendant will remain on bond pending appeal.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: BOBBY VERNON MCHENRY
Case Number: 97-CR-009-001-B

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of three (3) years, as to each of Counts 1, 2 & 3, said terms to run concurrently, each with the other.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the Probation Office in the district to which the defendant is released as soon as possible, but in no event later than 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgment shall be provided to the U. S. Probation Office immediately upon taking residency.
4. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992. The defendant will be provided a copy of these conditions at the time the term of supervised release commences.

STANDARD CONDITIONS OF SUPERVISION

- 1) You will not leave the judicial district without the permission of the Court or probation officer.
- 2) You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
- 3) You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
- 4) You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
- 5) You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
- 6) You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 7) You will notify the probation officer ten days prior to any change of residence or employment.
- 8) You will not frequent places where controlled substances are illegally sold, used, distributed, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
- 9) You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
- 10) You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
- 11) You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
- 12) You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
- 13) You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
- 14) You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
- 15) As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirement.
- 16) You will not possess a firearm, destructive device, or other dangerous weapon.

Defendant: BOBBY VERNON MCHENRY
Case Number: 97-CR-009-001-B

FINE

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived.

The defendant shall pay a fine of \$ 5,000, as to Count 1. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: BOBBY VERNON MCHENRY
Case Number: 97-CR-009-001-B

RESTITUTION AND FORFEITURE**RESTITUTION**

The defendant shall make restitution in the total amount of \$56,230. Interest on restitution is waived by the Court.

The defendant shall make restitution to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Linda Merriman 516 North Santa Fe Avenue, Apt. A Tulsa, Oklahoma 74127	\$250
State Farm Fire and Casualty Company Attn: Mitch Stoll (Claim #36F-109844, Linda Merriman) PO Box 1589 Broken Arrow, Oklahoma 74013	\$614
Steven W. Zimmerman 14571 Zimmerman Lane Rogers, Arkansas 72756	\$500
Federated Insurance Company Attn: Chris Hildebrand (Claim #46-P-18780) PO Box 419444 Kansas City, Missouri 64147	\$1,868
Tom Hill c/o The Woodshed 11367 East 61 Street Tulsa, Oklahoma 74146	\$250
American States Insurance Company (Claim #362-0033-439) 10830 East 45th Tulsa, Oklahoma 74146	\$3,725
Alan Walker PO Box 372 Centerton, Arkansas 72719	\$50
Arkansas Farm Bureau Company Attn: Kevin McKenzie (Claim ACA-746041) PO Box 31 1077 Kanis Road Little Rock, Arkansas 72203-0031	\$2,925
James Schwerts 13539 East 38th Place Tulsa, Oklahoma 74146	\$16,000

Defendant: BOBBY VERNON MCHENRY
Case Number: 97-CR-009-001-B

RESTITUTION AND FORFEITURE
RESTITUTION CONTINUED

Thomas L. Upton \$1,900
1414 Feast Place
Rogers, Arkansas 72757

Betty Garrett \$4,500
801 South Turner Street
Springdale, Arkansas 72764

Forest of the Ozarks \$500
17590 Pleasant View Road
Rogers, Arkansas 72756

State Farm Fire and Casualty Company \$955
(Claim #04-A014-550, Forest of Ozarks)
688 Millsap Road
Fayetteville, Arkansas 72703

Whitestar Machinery and Supply \$2,500
5401 South Mingo
Tulsa, Oklahoma 74146

Hanover Insurance Company \$9,203
(File #58-040151-019)
5110 South Yale
Tulsa, Oklahoma 74135

Farmer's Insurance \$15,773
Attn: John McGlothlin
Policy #08-25812674 (Claim #CS001748)

William L. Brown \$10,450
PO Box 657
Ketchum, Oklahoma 74349

Payments of restitution are to be made to the Clerk of the Court for the Northern District of Oklahoma for transfer to the payees.

Restitution shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid as a condition of supervised release, except that no further payment shall be required after the sum of the amounts actually paid by all defendants has fully covered the compensable injury.

If a victim has received compensation from insurance or any other source with respect to a loss, the court shall order that restitution be paid to the person who provided or is obligated to provide the compensation, but the restitution order shall provide that all restitution of victims required by the order be paid to the victims before any restitution is paid to such a provider of compensation.

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

Defendant: BOBBY VERNON MCHENRY
Case Number: 97-CR-009-001-B

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

Guideline Range Determined by the Court:

Total Offense Level:	22
Criminal History Category:	I
Imprisonment Range:	41 months to 51 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 7,500 to \$ 75,000
Restitution:	\$ 56,230

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

LW

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

DATE 11-18-98

UNITED STATES OF AMERICA

v.

Case Number 98-CR-101-001-K

JANET KAY HANDLEY
Defendant.

FILED

NOV 18 1998

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987) **Phil Lombardi, Clerk**
U.S. DISTRICT COURT

The defendant, JANET KAY HANDLEY, was represented by Stephen J. Knorr.

On motion of the United States the court has dismissed Count 1 of the Information.

The defendant pleaded guilty August 12, 1998 to Count 1 of the Amended Information. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 USC 2113(b)	Theft of Bank Monies (A Class A Misdemeanor)	2/18/98	1

As pronounced on November 10, 1998, the defendant is sentenced as provided in pages 2 through 4 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 25, for Count 1 of the Amended Information, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 17 day of November, 1998.


The Honorable Terry E. Kern, Chief
United States District Judge

Defendant's SSN: 445-76-7081

Defendant's Date of Birth: 11/25/63

Defendant's residence and mailing address: 5713 S. Cedar Avenue, Broken Arrow OK 74011

Defendant: JANET KAY HANDLEY
Case Number: 98-CR-101-001-K

PROBATION

The defendant is hereby placed on probation for a term of 12 months.

While on probation, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. If this judgment imposes a fine, special assessment, costs or restitution obligation, it shall be a condition of probation that the defendant pay any such fine, assessment, costs and restitution.
2. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.
3. The defendant shall perform 40 hours of community service, as directed by the Probation Office.
4. The Court suspends the requirements for mandatory urine screening as dictated by 18 USC § 3608, but specifically retains the probation officer's authority to administer such tests for cause as permitted by the standard conditions of supervision.

STANDARD CONDITIONS OF PROBATION

- 1) You will not leave the judicial district without the permission of the Court or probation officer.
- 2) You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
- 3) You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
- 4) You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
- 5) You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
- 6) You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 7) You will notify the probation officer ten days prior to any change of residence or employment.
- 8) You will not frequent places where controlled substances are illegally sold, used, distributed, or administered; you will refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
- 9) You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
- 10) You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
- 11) You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
- 12) You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
- 13) You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
- 14) You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
- 15) As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirement.
- 16) You will not possess a firearm, destructive device, or other dangerous weapon.

Defendant: JANET KAY HANDLEY
Case Number: 98-CR-101-001-K

FINE

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived.

The defendant shall pay a fine of \$ 500, as to Count 1. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid during the period of Probation.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: JANET KAY HANDLEY
Case Number: 98-CR-101-001-K

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

Guideline Range Determined by the Court:

Total Offense Level:	4
Criminal History Category:	I
Imprisonment Range:	0 months to 6 months
Supervised Release Range:	1 year
Fine Range:	\$ 250 to \$ 5,000
Restitution:	\$ n/a

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

BJS

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

ENTERED ON DOCKET
 DATE 11-18-98

UNITED STATES OF AMERICA

v.

Case Number 98-CR-119-001-K

DAVID PAUL LUSE
 Defendant.

FILED

NOV 18 1998

Phil Lombardi, Clerk
 U.S. DISTRICT COURT

JUDGMENT IN A CRIMINAL CASE
 (For Offenses Committed On or After November 1, 1987)

The defendant, DAVID PAUL LUSE, was represented by Cindy Hodges Cunningham.

On motion of the United States the court has dismissed Counts 1, 3 & 4 of the Indictment.

The defendant pleaded guilty to Count 2 of the Indictment, August 12, 1998. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

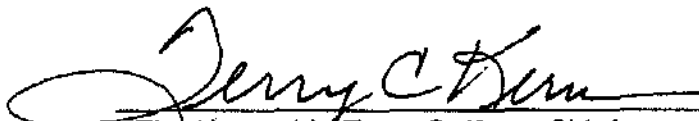
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
26 USC 7201	Attempt to Evade or Defeat Tax	4/15/93	2

As pronounced on November 12, 1998, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50, for Count 2 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 17 day of November, 1998.



The Honorable Terry C. Kern, Chief
 United States District Judge

Defendant's SSN: 513-52-3159

Defendant's Date of Birth: 3/1/49

Defendant's residence and mailing address: 12731 E. 40th Street, Apt. 1313, Tulsa OK 74146

Defendant: DAVID PAUL LUSE
Case Number: 98-CR-119-001-K

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 12 months.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 12:00 noon on December 28, 1998.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: DAVID PAUL LUSE
Case Number: 98-CR-119-001-K

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of three (3) years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the Probation Office in the district to which the defendant is released as soon as possible, but in no event later than 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.
4. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.
5. While on supervision, should the Internal Revenue Service determine the amount of any delinquent tax and applicable penalties owed by the defendant, such amounts should be paid by the defendant in accordance with any schedule set by the Internal Revenue Service or agreed upon by the defendant and the Internal Revenue Service.
The defendant is required to file back tax returns and current tax returns.

STANDARD CONDITIONS OF SUPERVISION

- 1) You will not leave the judicial district without the permission of the Court or probation officer.
- 2) You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
- 3) You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
- 4) You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
- 5) You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
- 6) You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 7) You will notify the probation officer ten days prior to any change of residence or employment.
- 8) You will not frequent places where controlled substances are illegally sold, used, distributed, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
- 9) You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
- 10) You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
- 11) You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
- 12) You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
- 13) You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
- 14) You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
- 5) As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirement.
- 16) You will not possess a firearm, destructive device, or other dangerous weapon.

Defendant: DAVID PAUL LUSE
Case Number: 98-CR-119-001-K

FINE

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived.

The defendant shall pay a fine of \$ 10,000, as to Count 2. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: DAVID PAUL LUSE
Case Number: 98-CR-119-001-K

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

Guideline Range Determined by the Court:

Total Offense Level:	13
Criminal History Category:	I
Imprisonment Range:	12 months to 18 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 3,000 to \$ 30,000
Restitution:	\$ n/a

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA

ENTERED ON DOCKET

DATE 11-13-98

UNITED STATES OF AMERICA
Plaintiff

VS

DONALD LEE ROLLINS
Defendant

96-CR-076-001-KV

FILED

NOV 12 1998

Phil Lombardi, Clerk
U.S. DISTRICT COURT

ORDER REVOKING SUPERVISED RELEASE

Now on this 6th day of November, 1998, this cause comes on for sentencing on revocation of Supervised Release. The defendant was heretofore convicted on September 9, 1996, on his plea of guilty to a one count Indictment charging a violation of 18 § U.S.C. 2113(a), Entering a Federally Insured Credit Union to Commit a Felony. He was sentenced to the custody of the Bureau of Prisons for a term of eighteen (18) months, followed by a three (3) year term of supervised release. The standard conditions of supervised release were imposed, as was the special condition that the defendant would successfully participate in a program of testing and treatment (to include inpatient) for substance abuse, until released from the program by the supervising U.S. Probation Officer.

On the 12th day of June, 1998, a Revocation Hearing was held. The defendant was present in person and represented by counsel, Mike Able. The Government was represented by Assistant United States Attorney Susan Morgan, and the United States Probation Office was represented by Doug Burris. The defendant stipulated to the allegations as alleged in the Amended Petition on Supervised Release filed on April 22, 1998. The specific allegations stipulated to were that the offender illegally used

controlled substances on January 21, 29, and March 29, 1998. Further stipulated to was the allegation that the defendant failed to comply with drug testing and treatment as directed by his U.S. Probation Officer when he left the 12 & 12 treatment facility without authorization on April 11, 1998. The Court scheduled sentencing for December 11, 1998. The sentencing was accelerated for November 5, 1998, at the request of the probation office and without objection by the defendant.

Rollins failed to appear for sentencing November 5, 1998, and a bench warrant was issued for his arrest. He was apprehended by Deputy Marshals on November 6, 1998, and brought before the Court for sentencing. The defendant is represented at this Hearing by his counsel, Mike Able. The Government is represented by Assistant United States Attorney Susan Morgan, and the United States Probation Office is represented by Doug Burris.

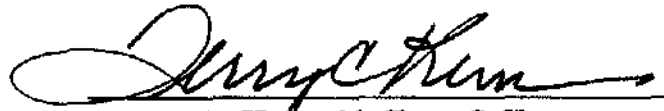
The Court finds that the original conviction occurred after November 1, 1987, and that Chapter 7 of the U.S. Sentencing Guideline is applicable. Further, Rollins has committed Grade C violations in accordance with USSG § 7B1.1(a)(3), and that the defendant's Criminal History Category of I is applicable for determining the imprisonment range. Pursuant to USSG § 7B1.3(g)(2), the Court may impose a new term of supervised release, and that the length of supervised release shall not exceed the term of supervised release originally imposed, which was three years, minus any term of imprisonment.

The Court finds that Grade C violations and a Criminal History Category of I establishes a revocation imprisonment range of three (3) to nine (9) months, in accordance with USSG § 7B1.4(a) and 18 § U.S.C. 3583(e). In consideration of these findings and pursuant to U.S. vs Lee, 757 F2d 770 (10th

Cir 1992), in which the circuit determined that the policy statements in Chapter 7 were not mandatory, but must be considered by the Court, the following sentence is ordered:

The defendant, Donald Lee Rollins, is committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a term of twenty-four (24) months. The Court recommended to the Bureau of Prisons that the defendant be placed in the Bureau of Prisons Comprehensive Substance Abuse Program. Restitution in the amount of \$10,280 is ordered to be paid immediately.

The defendant is remanded to the U.S. Marshal's pending designation to the appropriate institution.

A handwritten signature in black ink, appearing to read "Terry C. Kern", with a long horizontal flourish extending to the right.

The Honorable Terry C. Kern
Chief United States District Judge

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

UNITED STATES OF AMERICA

v.

Case Number 98-CR-078-001-H

CHRISTOPHER MOORE, JR.
Defendant.

FILED

NOV 10 1998

Phil Lombardi, Clerk
U.S. DISTRICT COURTJUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

The defendant, CHRISTOPHER MOORE, JR., was represented by Mike Abel.

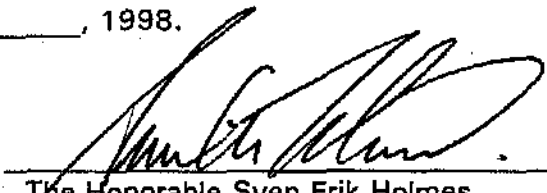
The defendant was found guilty on August 4, 1998 on Counts 1 through 8 of the Indictment after a plea of not guilty. Accordingly, the defendant is adjudged guilty of such counts, involving the following offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 USC 2113(a) & (d)	Bank Robbery	5/4/98	1
18 USC 924(c)	Use of a Firearm During a Crime of Violence	5/4/98	2, 4, 6 & 8
18 USC 2119	Armed Carjacking	5/4/98	3, 5 & 7

As pronounced on November 6, 1998, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 800, for Counts 1 through 8 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 10TH day of NOVEMBER, 1998.
The Honorable Sven Erik Holmes
United States District Judge

Defendant's SSN: 335-64-5834

Defendant's Date of Birth: 6/1/63

Defendant's mailing address: No Legal Home of Record

Defendant's residence address: c/o US Marshals Service, 333 West 4th Street, 4th Floor, Tulsa OK 74103

Defendant: CHRISTOPHER MOORE, JR.
Case Number: 98-CR-078-001-H

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 950 months. 170 months as to each of Counts 1, 3, 5 & 7, said terms to run concurrently, each with the other; 60 months as to Count 2, said term to run consecutively to the terms imposed in Counts 1, 3, 5 & 7; and 240 months as to each of Counts 4, 6 & 8, said terms to run consecutively, each to the other and to the terms imposed in Counts 1, 2, 3, 5, & 7, for a total sentence of 950 months.

The defendant is remanded to the custody of the United States Marshal.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: CHRISTOPHER MOORE, JR.

Case Number: 98-CR-078-001-H

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of five (5) years as to Count 1 and three (3) years as to Counts 2, 3, 4, 5, 6, 7 & 8, said terms to run concurrently, each with the other and with the term imposed in Count 1.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the Probation Office in the district to which the defendant is released as soon as possible, but in no event later than 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.
4. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

STANDARD CONDITIONS OF SUPERVISION

- 1) You will not leave the judicial district without the permission of the Court or probation officer.
- 2) You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
- 3) You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
- 4) You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
- 5) You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
- 6) You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 7) You will notify the probation officer ten days prior to any change of residence or employment.
- 8) You will not frequent places where controlled substances are illegally sold, used, distributed, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
- 9) You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
- 10) You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
- 11) You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
- 12) You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
- 13) You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
- 14) You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
- 15) As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirement.
- 16) You will not possess a firearm, destructive device, or other dangerous weapon.

Defendant: CHRISTOPHER MOORE, JR.
Case Number: 98-CR-078-001-H

RESTITUTION AND FORFEITURE**RESTITUTION**

The defendant shall make restitution in the total amount of \$12,649.22.

The defendant shall make restitution to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Commercial Federal Bank Attn: Deborah Desmond 777 N.W. Grand Blvd., Suite 650 Oklahoma City, OK 73118	\$50.00
Anne Byers 16609 Sunny Hollow Road Edmond, OK 73003	\$500.00
Steven Warnken 12610 N. 120th East Avenue Collinsville, OK 74021	\$825.00
Richard Copeland 2520 W. Honolulu Broken Arrow, OK 74012	\$250.00
April Kerr 11309 S. 108 East Place Bixby, OK 74008	\$500.00
State Farm Insurance PO Box 22097 Tulsa, OK 74121	\$6,920.32
Allstate Insurance 5800 East Skelly Dr., Suite 1000 Tulsa, OK 74135	\$3,557.98
Hartford Insurance 3520 N.W. 58th Street Oklahoma City, OK 73112	\$45.92

Payments of restitution are to be made to the Clerk of the Court for the Northern District of Oklahoma for transfer to the payees.

Restitution shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid as a condition of supervised release.

If a victim has received compensation from insurance or any other source with respect to a loss, any restitution ordered shall be paid to the person who is a victim before any restitution is paid to any such provider of compensation.

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

Defendant: CHRISTOPHER MOORE, JR.

Case Number: 98-CR-078-001-H

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

Guideline Range Determined by the Court:

Total Offense Level:	31	
Criminal History Category:	IV	
Imprisonment Range:	151 months to 188 months	Cts. 1, 3 5 & 7
	60 months	Ct. 2
	240 months	Cts. 4, 6 & 8
Supervised Release Range:	3 to 5 years	Ct. 1
	2 to 3 years	Cts. 2-8
Fine Range:	\$ 15,000 to \$ 150,000	Cts. 1-8
Restitution:	\$ 12,649.22	

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range exceeds 24 months and the sentence is imposed based upon the lengthy sentence required by statute in the remaining counts.

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

UNITED STATES OF AMERICA

v.

Case Number 98-CR-044-001-H

FILEDNOV 10 1998 *OK*Phil Lombardi, Clerk
U.S. DISTRICT COURTMALCOLM EUGENE MOORE
Defendant.**JUDGMENT IN A CRIMINAL CASE**
(For Offenses Committed On or After November 1, 1987)

The defendant, MALCOLM EUGENE MOORE, was represented by Rick Couch and William Hughes.

The defendant was found guilty on July 2, 1998, on Counts 1 through 6 of the Indictment after a plea of not guilty. Accordingly, the defendant is adjudged guilty of such counts, involving the following offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 USC 2113 (a) & (d) & 2	Bank Robbery and Aiding and Abetting	4/3/98	1, 3 & 5
18 USC 924(c) & 2	Use of a Firearm During a Crime of Violence and Aiding and Abetting	3/5/98	2
18 USC 924(c)(1) & 2	Use of a Firearm During a Crime of Violence and Aiding and Abetting	4/3/98	4 & 6

As pronounced on November 6, 1998, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 600, for Counts 1 through 6 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 10TH day of November, 1998.


The Honorable Sven Erik Holmes
United States District Judge

Defendant's SSN: 442-74-4623

Defendant's Date of Birth: 1/12/69

Defendant's mailing address: 5624 S. Quaker, Tulsa OK 74105

Defendant's residence address: c/o US Marshals Service, 333 W. 4th Street, 4th Floor, Tulsa OK 74103

Defendant: MALCOLM EUGENE MOORE
Case Number: 98-CR-044-001-H

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 690 months. 150 months as to each of Counts 1, 3 & 5, said terms to run concurrently, each with the other; 60 months as to Count 2, said term to run consecutively with the terms imposed in Counts 1, 3 & 5; and 240 months as to each of Counts 4 & 6, said terms to run consecutively with the terms imposed in Counts 1, 2, 3 & 5, for a total sentence of 690 months.

The defendant is remanded to the custody of the United States Marshal.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: MALCOLM EUGENE MOORE
Case Number: 98-CR-044-001-H

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of five (5) years as to Counts 1, 3 & 5 and three (3) years as to Counts 2, 4 & 6, said terms to run concurrently, each with the other.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the Probation Office in the district to which the defendant is released as soon as possible, but in no event later than 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.
4. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

STANDARD CONDITIONS OF SUPERVISION

- 1) You will not leave the judicial district without the permission of the Court or probation officer.
- 2) You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
- 3) You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
- 4) You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
- 5) You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
- 6) You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 7) You will notify the probation officer ten days prior to any change of residence or employment.
- 8) You will not frequent places where controlled substances are illegally sold, used, distributed, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
- 9) You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
- 10) You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
- 11) You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
- 12) You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
- 13) You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
- 14) You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
- 15) As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirement.
- 16) You will not possess a firearm, destructive device, or other dangerous weapon.

Defendant: MALCOLM EUGENE MOORE
Case Number: 98-CR-044-001-H

RESTITUTION AND FORFEITURE**RESTITUTION**

The defendant shall make restitution in the total amount of \$24,349.58.

The defendant shall make restitution to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Commercial Federal Bank Attn: Deborah Desmond 777 N.W. Grand Blvd., Suite 650 Oklahoma City, OK 73118	\$23,749.58
Oil Capital Federal Credit Union Attn: Don Stivers 1604 S. Baltimore Muskogee, OK 74119	\$600.00

Payments of restitution are to be made to the Clerk of the Court for the Northern District of Oklahoma for transfer to the payees.

Restitution shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid as a condition of supervised release, except that no further payment shall be required after the sum of the amounts actually paid by all defendants has fully covered the compensable injury. The amount of \$16,935.55 shall be paid jointly and severally with Jerome Brown, Northern District of Oklahoma Case 98-CR-044-002-H and the amount \$7,194.03 shall be paid jointly and severally with Terrell Bell, Northern District of Oklahoma Case 98-CR-054-001-H.

If a victim has received compensation from insurance or any other source with respect to a loss, any restitution ordered shall be paid to the person who is a victim before any restitution is paid to any such provider of compensation.

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

Defendant: MALCOLM EUGENE MOORE
Case Number: 98-CR-044-001-H

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

Guideline Range Determined by the Court:

Total Offense Level:	26	
Criminal History Category:	VI	
Imprisonment Range:	120 months to 150 months	Cts. 1, 3 & 5
	60 months	Ct. 2
	240 months	Cts. 4 & 6
Supervised Release Range:	3 to 5 years	Cts. 1, 3 & 5
	2 to 3 years	Cts. 2, 4 & 6
Fine Range:	\$ 12,500 to \$ 125,000	Cts. 1-6
Restitution:	\$ 24,349.58	

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, the range in Counts 1, 3 & 5 exceeds 24 months, and the sentence is imposed based on obstruction of justice and subornation of perjury.

DATE 11/12/98UNITED STATES DISTRICT COURT
Northern District of Oklahoma

UNITED STATES OF AMERICA

v.

Case Number 98-CR-99-01-H

FILED

NOV 10 1998

Phil Lombardi, Clerk
U.S. DISTRICT COURTVERA SCHUBLER-MILLS
Defendant.JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

The defendant, VERA SCHUBLER-MILLS, was represented by DAVID O'MELIA.

The defendant pleaded guilty on July 29, 1998, to Count 1 of the Information. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1343 & 2	Wire Fraud and Causing a Criminal Act	03-31-97	1

As pronounced on October 30, 1998, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 100, for Count One of the Information, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 10TH day of November, 1998.
The Honorable Sven Erik Holmes
United States District Judge

Defendant's SSN: 440-58-6717

Defendant's Date of Birth: 08-11-47

Defendant's residence and mailing address: 2519 S FLORENCE PLACE #6, TULSA, OK 74114

Defendant: VERA SCHUBLER-MILLS
Case Number: 98-CR-99-01-H

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of zero months custody.

RETURN

I have executed this Judgment as follows:

at Defendant delivered on _____ to _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: VERA SCHUBLER-MILLS

Case Number: 98-CR-99-01-H

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of five years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the Probation Office in the district to which the defendant is released as soon as possible, but in no event later than 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall be placed on home detention to include electronic monitoring at the discretion of the U. S. Probation Office for a period of six months, to commence within 72 hours of sentencing date. During this time, the defendant shall remain at place of residence except for employment and other activities approved in advance by the probation office. The defendant shall maintain a telephone at place of residence without any special services, modems, answering machines, or cordless telephones for the above period. The defendant shall wear an electronic device and shall observe the rules specified by the Probation Office. The entire cost of this program shall be paid by the defendant.
4. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.
5. The Court suspends the requirements for mandatory urine screening as dictated by 18 USC § 3608, but specifically retains the probation officer's authority to administer such tests for cause as permitted by the standard conditions of supervision.

STANDARD CONDITIONS OF SUPERVISION

- 1) You will not leave the judicial district without the permission of the Court or probation officer.
- 2) You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
- 3) You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
- 4) You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
- 5) You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
- 6) You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 7) You will notify the probation officer ten days prior to any change of residence or employment.
- 8) You will not frequent places where controlled substances are illegally sold, used, distributed, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
- 9) You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
- 10) You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
- 11) You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
- 12) You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
- 13) You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
- 14) You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
- 15) As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirement.
- 16) You will not possess a firearm, destructive device, or other dangerous weapon.

Defendant: VERA SCHUBLER-MILLS
Case Number: 98-CR-99-01-H

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$75,949.22. Interest on restitution is waived by the Court.

The defendant shall make restitution to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Barclay's Bank 222 Broadway New York, New York 10038 Attn: David Rosenzweig	\$ 75,949.22

Payments of restitution are to be made to the Clerk of the Court for the Northern District of Oklahoma for transfer to the payee.

Restitution shall be paid in full immediately. Any unpaid balance shall be paid as a condition of supervised release

If a victim has received compensation from insurance or any other source with respect to a loss, any restitution ordered shall be paid to the person who is a victim before any restitution is paid to any such provider of compensation.

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

Defendant: VERA SCHUBLER-MILLS
Case Number: 98-CR-99-01-H

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

Guideline Range Determined by the Court:

Total Offense Level:	10
Criminal History Category:	II
Imprisonment Range:	8 months to 14 months
Supervised Release Range:	3 to 5 years
Fine Range:	\$ 3,000 to \$ 30,000
Restitution:	\$ 75,949.22

The fine is waived due to defendant's inability to pay.

The sentence departs from the guideline range based on a unique combination of factors not adequately taken into consideration in the formulation of the guidelines sentencing range; aberrant behavior, lack of similar criminal history, and age and physical health issues leading to a higher likelihood of victimization in prison.

BJS

ENTERED ON DOCKET
DATE 11/12/98 *ew*UNITED STATES DISTRICT COURT
Northern District of Oklahoma

UNITED STATES OF AMERICA

v.

Case Number 98-CR-093-001-H ✓

TAMYTHA L. SHATWELL
Defendant.

FILED

NOV 10 1998 *DA*JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)Phil Lombardi, Clerk
U.S. DISTRICT COURT

The defendant, TAMYTHA L. SHATWELL, was represented by Stephen J. Knorr.

The defendant pleaded guilty to Count 1 of the Information, August 7, 1998. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 USC 656	Misapplication of Bank Funds by Employee	1/7/98	1

As pronounced on November 6, 1998, the defendant is sentenced as provided in pages 2 through 3 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 25, for Count 1 of the Information, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 10TH day of NOVEMBER, 1998.

 The Honorable Sven Erik Holmes
 United States District Judge

Defendant's SSN: 441-80-5887

Defendant's Date of Birth: 5/25/67

Defendant's residence and mailing address: 6782 E. 27th Street, Tulsa OK 74129

6

Defendant: TAMYTHA L. SHATWELL
Case Number: 98-CR-093-001-H

PROBATION

The defendant is hereby placed on probation for a term of 12 months.

While on probation, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. If this judgment imposes a fine, special assessment, costs or restitution obligation, it shall be a condition of probation that the defendant pay any such fine, assessment, costs and restitution.
2. The defendant shall perform 50 hours of community service, as directed by the Probation Office.
3. The Court suspends the requirements for mandatory urine screening as dictated by 18 USC § 3608, but specifically retains the probation officer's authority to administer such tests for cause as permitted by the standard conditions of supervision.

STANDARD CONDITIONS OF PROBATION

- 1) You will not leave the judicial district without the permission of the Court or probation officer.
- 2) You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
- 3) You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
- 4) You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
- 5) You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
- 6) You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 7) You will notify the probation officer ten days prior to any change of residence or employment.
- 8) You will not frequent places where controlled substances are illegally sold, used, distributed, or administered; you will refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
- 9) You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
- 10) You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
- 11) You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
- 12) You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
- 13) You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
- 14) You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
- 15) As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirement.
- 16) You will not possess a firearm, destructive device, or other dangerous weapon.

Defendant: TAMYTHA L. SHATWELL
Case Number: 98-CR-093-001-H

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

Guideline Range Determined by the Court:

Total Offense Level:	7
Criminal History Category:	I
Imprisonment Range:	0 months to 6 months
Supervised Release Range:	1 year
Fine Range:	\$ 500 to \$ 5,000
Restitution:	\$ n/a

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

FILED

NOV 12 1998

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 97-CR-159-001-BU

PATRICIA JEAN LAKEY
Defendant.

ENTERED ON DOCKET

DATE 11-12-98

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

The defendant, PATRICIA JEAN LAKEY, was represented by Carol Russo.

The defendant pleaded guilty to Count 1 of the Amended Information, June 10, 1998. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 USC 2113(b)	Theft of Bank Monies	7/29/96	1

As pronounced on October 28, 1998, the defendant is sentenced as provided in pages 2 through 3 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 100, for Count 1 of the Amended Information, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 9th day of November, 1998.

Michael Burrage
The Honorable Michael Burrage
United States District Judge

Defendant's SSN: 445-54-5721

Defendant's Date of Birth: 8/11/52

Defendant's residence and mailing address: 13811 N. Yorktown Avenue, Skiatook OK 74070

Defendant: PATRICIA JEAN LAKEY
Case Number: 97-CR-159-001-BU

PROBATION

The defendant is hereby placed on probation for a term of 18 months.

While on probation, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. If this judgment imposes a fine, special assessment, costs or restitution obligation, it shall be a condition of probation that the defendant pay any such fine, assessment, costs and restitution.
2. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

STANDARD CONDITIONS OF PROBATION

- 1) You will not leave the judicial district without the permission of the Court or probation officer.
- 2) You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
- 3) You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
- 4) You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
- 5) You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
- 6) You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 7) You will notify the probation officer ten days prior to any change of residence or employment.
- 8) You will not frequent places where controlled substances are illegally sold, used, distributed, or administered; you will refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
- 9) You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
- 10) You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
- 11) You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
- 12) You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
- 13) You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
- 14) You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
- 15) As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirement.
- 16) You will not possess a firearm, destructive device, or other dangerous weapon.

Defendant: PATRICIA JEAN LAKEY
Case Number: 97-CR-159-001-BU

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

Guideline Range Determined by the Court:

Total Offense Level:	4
Criminal History Category:	1
Imprisonment Range:	0 months to 6 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 250 to \$ 5,000
Restitution:	\$ n/a

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

FILED

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

NOV 10 1998

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 98-CR-112-001-C

ENTERED ON DOCKET

JAMES DOUGLAS TATTERSON
Defendant.DATE 11/10/98**JUDGMENT IN A CRIMINAL CASE**
(For Offenses Committed On or After November 1, 1987)

The defendant, JAMES DOUGLAS TATTERSON, was represented by Mark Lyons.


The defendant pleaded guilty to Count 1 of the Information, July 24, 1998. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1341 & 2	Mail Fraud and Causing a Criminal Act	7/22/97	1

As pronounced on November 5, 1998, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 100, for Count 1 of the Information, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 10th day of November, 1998.

 The Honorable H. Dale Cook
 United States District Judge

Defendant's SSN: 441-58-5185

Defendant's Date of Birth: 9/5/54

Defendant's residence and mailing address: 2737 N. Norwood, Tulsa OK

Defendant: JAMES DOUGLAS TATTERSON
Case Number: 98-CR-112-001-C

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 33 months.

The defendant is remanded to the custody of the United States Marshal.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: JAMES DOUGLAS TATTERSON
Case Number: 98-CR-112-001-C

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of three (3) years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the Probation Office in the district to which the defendant is released as soon as possible, but in no event later than 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.
4. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

STANDARD CONDITIONS OF SUPERVISION

- 1) You will not leave the judicial district without the permission of the Court or probation officer.
- 2) You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
- 3) You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
- 4) You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
- 5) You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
- 6) You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 7) You will notify the probation officer ten days prior to any change of residence or employment.
- 8) You will not frequent places where controlled substances are illegally sold, used, distributed, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
- 9) You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
- 10) You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
- 11) You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
- 12) You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
- 13) You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
- 14) You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
- 15) As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirement.
- 16) You will not possess a firearm, destructive device, or other dangerous weapon.

Defendant: JAMES DOUGLAS TATTERSON
Case Number: 98-CR-112-001-C

RESTITUTION AND FORFEITURE**RESTITUTION**

The defendant shall make restitution in the total amount of \$1,375,542. Interest on restitution is waived by the Court.

The defendant shall make restitution to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Amount of Restitution</u>
International Beers Thomas Bauer 6833 East Reading Place Tulsa, Oklahoma	\$1,375,542

Payments of restitution are to be made to the Clerk of the Court for the Northern District of Oklahoma for transfer to the payee.

Restitution shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid as a condition of supervised release.

Should a third party, specifically John Jarboe and/or Jarboe Sales, receive a civil judgement awarding them some financial compensation for possible losses sustained in connection with this offense, a portion of the restitution ordered in this case equal to the civil judgement will be transferred and ordered payable to that third party.

If a victim has received compensation from insurance or any other source with respect to a loss, any restitution ordered shall be paid to the person who is a victim before any restitution is paid to any such provider of compensation.

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

Defendant: JAMES DOUGLAS TATTERSON
Case Number: 98-CR-112-001-C

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

Guideline Range Determined by the Court:

Total Offense Level:	18
Criminal History Category:	I
Imprisonment Range:	27 months to 33 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 6,000 to \$ 60,000
Restitution:	\$ 1,375,542

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

cw

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

FILED ON DOCKET
11-10-98

UNITED STATES OF AMERICA

v.

Case Number 98-CR-089-001-K

ELMER DEAN FRY
Defendant.

FILED

NOV 09 1998

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

Phil Lombardi, Clerk
U.S. DISTRICT COURT

The defendant, ELMER DEAN FRY, was represented by Jack Schisler.

On motion of the United States the court has dismissed Count 1 of the Indictment.

The defendant pleaded guilty to Count 2 of the Indictment, August 5, 1998. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:


<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 922(g)(1)	Possession of a Firearm After Former Conviction of a Felony	4/6/98	2

As pronounced on November 5, 1998, the defendant is sentenced as provided in pages 2 through 4 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 100, for Count 2 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 9 day of November, 1998.



The Honorable Terry C. Kern, Chief
United States District Judge

Defendant's SSN: 447-68-9810

Defendant's Date of Birth: 7/7/61

Defendant's residence and mailing address: C/O Tulsa County Jail, 500 S. Denver, Tulsa OK 74103

Defendant: ELMER DEAN FRY
Case Number: 98-CR-089-001-K

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 30 months.

The Court makes the following recommendations to the Bureau of Prisons: that the defendant be placed in the 500 hour Comprehensive Drug Treatment Program while incarcerated.

The defendant is remanded to the custody of the United States Marshal.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: ELMER DEAN FRY
Case Number: 98-CR-089-001-K

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of three (3) years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the Probation Office in the district to which the defendant is released as soon as possible, but in no event later than 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.
4. The defendant shall participate in a public, private or non-profit offender rehabilitation program that has been approved by the Court, in consultation with a State Coalition Against Domestic Violence until such time as released from the program by the probation officer.

STANDARD CONDITIONS OF SUPERVISION

- 1) You will not leave the judicial district without the permission of the Court or probation officer.
- 2) You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
- 3) You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
- 4) You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
- 5) You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
- 6) You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 7) You will notify the probation officer ten days prior to any change of residence or employment.
- 8) You will not frequent places where controlled substances are illegally sold, used, distributed, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
- 9) You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
- 10) You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
- 11) You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
- 12) You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
- 13) You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
- 14) You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
- 15) As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirement.
- 16) You will not possess a firearm, destructive device, or other dangerous weapon.

Defendant: ELMER DEAN FRY
Case Number: 98-CR-089-001-K

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

Guideline Range Determined by the Court:

Total Offense Level:	17
Criminal History Category:	II
Imprisonment Range:	27 months to 33 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 5,000 to \$ 50,000
Restitution:	\$ n/a

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

FILED

NOV -4 1998

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RANDY LEE MEYER,

Defendant.

Case No. 91-CR-123-E
98-CV-275-E


JUDGMENT

ENTERED ON DOCKET
DATE **NOV 05 1998**

This matter came before the Court upon Defendant's Motion To Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Docket #21). The Court duly considered the issues and rendered a decision herein.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that judgment is hereby entered for Plaintiff and against Defendant.

IT IS SO ORDERED THIS 3RD DAY OF NOVEMBER, 1998.


JAMES O. ELLISON, SENIOR JUDGE
UNITED STATES DISTRICT COURT

5

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

SHREE GORDON,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ENTERED ON DOCKET

DATE 11-5-98

97-CV-550-H

96-CR-53-H ✓

FILED

NOV 4 - 1998

Phil Lombardi, Clerk
U.S. DISTRICT COURT

ORDER

This matter comes before the Court on Petitioner Shree Gordon's Motion to Vacate, Set Aside, or Correct Judgment and Sentence by a Person in Federal Custody (Docket #1). For the reasons set forth herein, the Court finds that Petitioner's Motion should be denied.

On March 11, 1996, Shree Gordon and Aaron Orlando Gordon were each charged in the Northern District of Oklahoma by information with one count of conspiracy to violate 18 U.S.C. § 513(a) and 42 U.S.C. § 408(a)(7)(B). Ms. Gordon and Mr. Gordon each made an initial appearance before Magistrate Judge McCarthy on March 25, 1996, and both were represented by Ron Daniels at that hearing. At that time, Magistrate Judge McCarthy reviewed in detail with each of Mr. Gordon and Ms. Gordon the possibility that conflicts might arise from Mr. Daniels's joint representation of both of them. Ms. Gordon expressly waived her right to separate representation orally and in writing in open court. Ms. Gordon pled guilty on April 9, 1996 and was sentenced to 56 months in prison on July 10, 1996.

In this motion brought pursuant to 28 U.S.C. § 2255, Ms. Gordon argues that she was deprived of effective assistance of counsel due to Mr. Daniels' joint representation of herself and Mr. Gordon. Ms. Gordon asserts that because of the conflicts arising from Mr. Daniels' joint

35

representation, Mr. Daniels failed to object to the pre-sentence investigation report recommending enhancement of her base offense level, resulting in an enhanced sentence under the Sentencing Guidelines.

Because Ms. Gordon failed to object to Mr. Daniels' joint representation,¹ Ms. Gordon's ineffective assistance claim regarding such joint representation is governed by the standards set forth in Cuyler v. Sullivan, 446 U.S. 335 (1980), and its progeny. See United States v. Gallegos, 108 F.3d 1272, 1279-83 (10th Cir. 1997); United States v. Martin, 965 F.2d 839, 842-43 (10th Cir. 1992). Accordingly, Ms. Gordon must demonstrate that an actual conflict of interest adversely affected her lawyer's performance. See Cuyler, 446 U.S. at 350. Ms. Gordon has the burden of showing specific instances to support her contentions of an actual conflict adverse to her interests. See id. She must "point to specific instances in the record which suggest an impairment or compromise of [her] interests for the benefit of another party." Danner v. United States, 820 F.2d 1166, 1169 (11th Cir. 1987). If Ms. Gordon can establish that such conflicts

¹Ms. Gordon asserts Mr. Gordon "objected" to Mr. Daniels' dual representation at sentencing. Setting aside questions of standing to object, the Court notes that the colloquy engaged in suggests otherwise:

THE COURT: All right. Mr. Gordon, any statement you would like to make before sentence is imposed?

THE DEFENDANT: Well, Your Honor, the only thing I can't really understand is -- is that, see, like with my wife, you know, like most of the stuff that's involved with it now was really basically all of the stuff that was really on me cause she had just got out of prison at the time. Now she's ended up getting more time than what I'm-- you know what I'm saying. So, I don't know what I'm really trying to say. I guess I just -- I will just have to go for it, I guess. I guess I'm -- you know he -- I have had good representation with my lawyer, it's just that I just -- I guess we just kind of really don't understand, you know, cause -- I don't know, I guess I'm all right.

See Response of Plaintiff, ex. D, at 3-4. The Court notes that Mr. Gordon's concerns were related solely to the disparity of the sentences imposed and were not related in any way to Mr. Daniels' joint representation of Mr. and Ms. Gordon.

actually affected the adequacy of the representation, prejudice is presumed. See id.

On the current factual record before this Court, including Ms. Gordon's own testimony before both Magistrate Judge McCarthy and this Court, the Court finds that Ms. Gordon cannot show that an actual conflict of interest adversely affected Mr. Daniels' representation. First, the Court finds that Ms. Gordon knowingly and voluntarily waived any such conflict after Magistrate Judge McCarthy made a searching and thorough inquiry at her arraignment. See Response of Plaintiff, United States of America, to Motion to Vacate, Set Aside, or Correct Judgment and Sentence by a Person in Federal Custody, ex. A at 2-5; Moore v. United States, 950 F.2d 656, 660 (10th Cir. 1991). In addition, after a careful review of the record, the Court finds that no actual conflict of interest limited counsel's ability to represent Ms. Gordon. Despite Ms. Gordon's assertions, the record nowhere reflects that Mr. Daniels' representation of Ms. Gordon benefitted Mr. Gordon over Ms. Gordon. See United States v. Alvarez, 137 F.3d 1249, 1252 (10th Cir. 1998). Accordingly, the Court finds that Ms. Gordon is not entitled to habeas relief on this ground.


Ms. Gordon also argues that Mr. Daniels' failure to object to the enhancements attributable to her role in the offense as set forth in the pre-sentence investigation report constitutes ineffective assistance of counsel. The Court disagrees. Based on Ms. Gordon's own sworn testimony given during her plea colloquy before this Court, see Response of Plaintiff, ex. B, at 23-27, the Court finds that Mr. Daniels had no basis upon which to object to the enhancements as set forth in the pre-sentence investigation report, thus foreclosing any claim of ineffective assistance on the part of Mr. Daniels. In addition, Ms. Gordon's admissions before this Court clearly support the enhancements set forth in the pre-sentence investigation report, thus foreclosing any claim of prejudice arising from Mr. Daniels' failure to object. See

Strickland v. Washington, 466 U.S. 668, 692-94 (1984). Finally, this Court's inability to review claims of error which were not considered in a properly perfected appeal in a 28 U.S.C. § 2255 proceeding, see United States v. Allen, 16 F.3d 377, 379 (10th Cir. 1994), preclude this Court from providing the downward departure for family circumstances Ms. Gordon now seeks as habeas relief.

Because the record in this case conclusively shows that Ms. Gordon is not entitled to the relief she seeks, the Court need not hold an evidentiary hearing on the motion. See United States v. Simmonds, 111 F.3d 737, 746 (10th Cir. 1997). Accordingly, Petitioner Shree Gordon's Motion to Vacate, Set Aside, or Correct Judgment and Sentence by a Person in Federal Custody (Docket #1) is hereby denied.

IT IS SO ORDERED.

This 3RD day of November, 1998.



Sven Erik Holmes
United States District Judge

UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA
Plaintiff

VS

MARC STEPHEN NICHOLS
Defendant

ENTERED ON DOCKET

DATE 11-5-98

Case Number 95-CR-079-003-H

F I L E D

NOV 4 - 1998

ORDER REVOKING SUPERVISED RELEASE

Phil Lombardi, Clerk
U.S. DISTRICT COURT

Now on this 22nd day of October 1998, this cause comes on for sentencing concerning allegations that the defendant violated conditions of supervised release as set out in the Superseding Petition on Supervised Release filed on July 22, 1998. The defendant is present in person and represented by counsel, Jack Schisler. The Government is represented by Assistant United States Attorney, Charles McLoughlin, and the United States Probation Office is represented by U.S. Probation Officer Scott Schakett.

On July 24, 1998, a revocation hearing was held and the defendant stipulated to the allegations contained in the petition. Said allegations being that while on supervised release he committed another federal, state or local crime; that he left the judicial district without the permission of the probation officer; and that he failed to answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer. The Court found that the defendant was in violation of the conditions of his release and supervised release was revoked and sentencing was set for October 22, 1998.

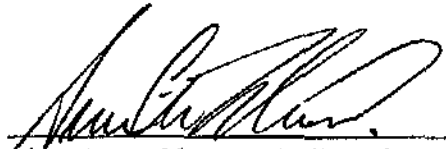
On October 22, 1998, the Court proceeded with sentencing and found that the conviction occurred after November 1, 1987, and that Chapter 7 of the U. S. Sentencing Guidelines is applicable.

Further, the Court found that the violations of supervised release constituted a Grade B violation in accordance with USSG § 7B1.1(a)(2), and the defendant's Criminal History Category of II is applicable for determining the imprisonment range. In addition, the Court found that a Grade B violation and a Criminal History Category of II establish a revocation imprisonment range of six (6) to twelve (12) months in accordance with USSG § 7B1.4(a) and 18 U.S.C. § 3583(e). In consideration of these findings and pursuant to U.S. vs. Lee, 757 F.2d 770 (10th Cir. 1992), in which the circuit determined that the policy statements in Chapter 7 were not mandatory, but must be considered by the Court, the following sentence is ordered:

It is the judgment of the Court that the defendant, Marc Stephen Nichols, is hereby committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a term of twelve (12) months. The Court recommends that, classification provisions permitting, the defendant be placed at a minimum security facility or work camp for service of this sentence.

The defendant may continue to be released under the conditions of release as outlined on July 23, 1998 to include an unsecured bond in the amount of \$20,000 with special conditions of home detention with electronic monitoring.

The defendant shall report to the facility of designation as determined by the Bureau of Prisons on December 14, 1998 at 12:00 noon.


The Honorable Sven Erik Holmes
United States District Judge

UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 4 - 1998

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA
Plaintiff

VS

RANDALL TODD MONTGOMERY
Defendant

97-CR-095-001-BU

ENTERED ON DOCKET

DATE 11/5/98

ORDER REVOKING PROBATION

Now on this 29th day of October, 1998, this cause comes on for sentencing on revocation of Probation. The defendant was heretofore convicted on October 30, 1997, on his plea of guilty to Count One of an Indictment charging a violation of 18 § U.S.C. 1029(a)(2), Fraud and Related Activity with Access Devices. On January 29, 1998, Montgomery was sentenced to a five (5) year term of Probation, ordered to pay restitution in the amount of \$5,877.60, a fine in the amount of \$1,000, and a Special Monetary Assessment in the amount of \$100. The Court further ordered that the defendant complete a program of anger management counseling, a drug testing and treatment condition, and comply with the "Special Financial Conditions."

On this date, a Revocation Hearing was held regarding the allegations cited in the Amended Petition on Probation, filed on September 23, 1998, as follows:

1. VIOLATION OF STANDARD CONDITION NO. 1: "While on probation, the defendant shall not commit another federal, state, or local crime..." On August 27, 1998, the defendant threatened to kill his ex-wife, Monique Gorman, in violation

9

of Colorado law § 18 8-706.

2. VIOLATION OF STANDARD CONDITION NUMBER 1: "While on probation, the defendant shall not commit another federal, state, or local crime..." On August 6, 1998, the defendant entered into a financial credit arrangement with Green Tree Finance for financing on what was an initial purchase of \$8,219.34 for a spa, a gazebo, and related items. He was approved for credit based on the information he supplied on a credit application. On this application, Montgomery supplied a social security number, 524-95-0029, when he knew this number had not been assigned to him. This was in violation of 42 U.S.C. § 408 (a)(7)(B).

3. VIOLATIONS OF SPECIAL FINANCIAL CONDITION: "You shall not enter into any credit arrangement, without first consulting with the U.S. Probation Officer." On August 6, 1998, the defendant entered into a financial credit arrangement by completing a credit application with Spa Brokers, Aurora, Colorado, to finance a \$8,219.34 purchase of a spa, a gazebo, and related items. He was approved for credit based on the information he supplied on a credit application. This was in violation of his Special Financial Condition.

4. VIOLATIONS OF GENERAL CONDITION: "While on probation, the defendant shall not commit another federal, state, or local crime..." On

August 14, 1998, the defendant entered into a financial credit arrangement at Excel Motorcycles, Denver, Colorado, for the initial price of \$8,128.16 regarding the purchase of a 1998 Honda ATV and a 1998 Suzuki motorcycle. He was approved for credit based on the information he supplied on a credit application. On this application, Montgomery supplied the social security number, 524-95-0029, when he knew this number had not been assigned to him. This was in violation of 42 U.S.C. § 408 (a)(7)(B).

5. VIOLATIONS OF SPECIAL FINANCIAL CONDITION: "You shall not enter into any credit arrangement, without first consulting with the U.S. Probation Officer." On August 6, 1998, the defendant entered into a financial credit arrangement with Green Tree Finance for a \$8,219.34 purchase of a 1998 Honda ATV and a 1998 Suzuki motorcycle. This was in violation of his Special Financial Condition.
6. VIOLATIONS OF GENERAL CONDITION: "While on probation, the defendant shall not commit another federal, state, or local crime..." On May 5, 1998, the defendant purchased a black 1998 Porsche Boxter for \$54,749.50 from Kuni Lexus, Littleton, Colorado. Montgomery completed this purchase with a check that had insufficient funds, in violation of Colorado law § 18-6-512.

7. VIOLATIONS OF GENERAL CONDITION: "While on probation, the defendant shall not commit another federal, state, or local crime..." In August 1998, the defendant applied for and received a \$5,100 loan From Key Bank in Fort Collins, Colorado. He was approved for credit based on the information he supplied on a credit application. On this application, Montgomery supplied a social security number, 524-95-0029, when he knew this number had not been assigned to him. This was in violation of 42 U.S.C. § 408 (a)(7)(B).

8. VIOLATIONS OF SPECIAL FINANCIAL CONDITION: "You shall maintain a single checking account in your name. You shall deposit into this account all income, monetary gains or other pecuniary proceeds, and make use of this account for all personal expenses. All other accounts must be disclosed to the U.S. Probation Officer." On August 8, 1997, the defendant established a checking accounts with Key Bank in Fort Collins, Colorado. The defendant failed to notify his Supervising U. S. Probation Officer of the account with Key Bank, and in fact denied having any banking accounts when questioned by his U.S. Probation Officer. This account included a Visa check card issued to the defendant, account number 5416-5570-3100-4159. This was in violation of the Special Financial Condition.

9. VIOLATIONS OF GENERAL CONDITION: "While on probation, the

defendant shall not commit another federal, state, or local crime..." In August 1998, the defendant applied for and received a \$8,989.94 loan from Norwest Bank in Fort Collins, Colorado. He was approved for credit based on the information he supplied on a credit application. On this application, Montgomery supplied a social security number, 524-95-0029, when he knew this number had not been assigned to him. This was in violation of 42 U.S.C. § 408 (a)(7)(B).

10. VIOLATIONS OF SPECIAL FINANCIAL CONDITION: "You shall maintain a single checking account in your name. You shall deposit into this account all income, monetary gains or other pecuniary proceeds, and make use of this account for all personal expenses. All other accounts must be disclosed to the U.S. Probation Officer. The defendant established a checking account with Norwest in Fort Collins, Colorado. This account included a Visa check card issued to the defendant, account number 4731-1299-5003-2545. The defendant failed to notify his Supervising U. S. Probation Officer of these accounts, and in fact denied having any banking accounts when questioned by his U.S. Probation Officer. This was in violation of his Special Financial Condition.

11. VIOLATIONS OF SPECIAL FINANCIAL CONDITION: "You shall not enter into any credit arrangement, without first consulting with the U.S. Probation Officer." On August 8, 1998, the defendant entered into a

financial credit arrangement to lease a \$31,487.52 1998 Ford Expedition.

12. VIOLATIONS OF SPECIAL FINANCIAL CONDITION: "You shall not enter into any credit arrangement, without first consulting with the U.S. Probation Officer." On August 7, 1998, the defendant entered into a financial credit arrangement to lease a \$18,850 1998 Toyota Camary.

13. VIOLATIONS OF GENERAL CONDITION CONCERNING RESTITUTION: "The defendant shall make restitution in the total amount of \$6,976.60." The defendant has failed to pay restitution as ordered.

14. VIOLATIONS OF GENERAL CONDITION CONCERNING FINE: "The defendant shall pay a fine in the amount of \$1,000." The defendant has failed to pay this fine as ordered.

On this date, The defendant stipulated that there was probable cause for the Court to find that the defendant had committed the violations. The Court found that the defendant had committed the violations as alleged in the Amended Petition, and immediately progressed to sentencing.

At sentencing the Court found that the original conviction and all violations of probation occurred after November 1, 1987, and that Chapter 7 of the U.S. Sentencing guideline is applicable. Further that the most serious violation committed by the defendant was a Grade A violation in accordance with USSG § 7B1.1(a)(1), and that his Criminal History Category of I was applicable

for determining the imprisonment range. Pursuant to USSG §§ 5D1.1(a) and (b) and USSG § 5D1.2(a)(2), the Court may have imposed a new term of supervised release of up to three (3) years.

The Court found that Grade A violations and a Criminal History Category of I establishes a revocation imprisonment range of twelve (12) to eighteen (18) months, in accordance with USSG § 7B1.4(a) and 18 § U.S.C. 3583(e). In consideration of these findings and pursuant to U.S. vs Lee, 757 F2d 770 (10th Cir 1992), in which the circuit determined that the policy statements in Chapter 7 were not mandatory, but must be considered by the Court, the following sentence was ordered:

The defendant, Randall Todd Montgomery, is committed to the custody of the U.S. Bureau of Prisons to be imprisoned for ten (10) months, to be followed by a term of supervised release of three (3) years. The Court recommended to the Bureau of Prisons that the defendant be placed in a correctional facility where a psychiatric evaluation and mental health treatment can be conducted. Within 72 hours of release from the custody, the defendant shall report in person to the probation office in the district to which he is released. During the time of supervised release, or afterward, as long as you are a convicted felon, you are not to possess a firearm, unless you have expressed written permission of the appropriate federal and state agencies. Further, while on supervised release, the defendant shall not possess a controlled substance. In addition, the defendant shall comply with the standard conditions that have been adopted by this court, and shall comply with the following additional conditions:

1) The defendant shall be placed on home detention to include electronic monitoring at the discretion of the U.S. Probation Office for a period of 6 months (6 months recommended), to commence within 72 hours of sentencing. During this time, the defendant shall remain at his place of residence except for employment and other activities approved in advance by the probation office. The defendant shall maintain a telephone at place of residence without any special services, modems, answering machines, or cordless telephones for the above period. The defendant shall wear an electronic device and shall observe the rules specified by the Probation Office. The costs of the electronic monitoring will be paid by the probation office.

2) The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992, during the term of probation.

3) The defendant shall participate in a program of mental health treatment (to include inpatient treatment, if necessary) as directed by the probation officer, until such time as released from the program by the probation officer.

4) The defendant shall participate in a program of testing and treatment for substance abuse (to include inpatient treatment, if necessary) as directed by the probation officer, until such time as released from the program by the probation officer.

5) The defendant shall abide by the "Special Search and Seizure Conditions" enumerated

in Miscellaneous Order Number M-128, filed with the Clerk of the Court on May 25, 1995.

6) The defendant shall pay restitution in the amount of \$6,963.97 and a fine of \$1,000 as previously ordered in this case.

A handwritten signature in black ink, appearing to read "Michael Burrage", is written over a horizontal line.

The Honorable Michael Burrage
United States District Judge

DATE 11/5/98

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

UNITED STATES OF AMERICA

v.

Case Number 97-CR-183-003-H

FILED

CINDY ERICKSTEN
 Defendant.

NOV 4 - 1998

AMENDED JUDGMENT IN A CRIMINAL CASE
 (For Offenses Committed On or After November 1, 1987)
 (Correction of Sentence for Clerical Mistake Fed. R. Crim. P. 36)

Phil Lombardi, Clerk
 U.S. DISTRICT COURT

The defendant, CINDY ERICKSTEN, was represented by Jack Schisler.

The defendant pleaded guilty to Count 1 of the Indictment, February 6, 1998. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:


<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
21 USC 846 841(a)(1)	Conspiracy to Possess With Intent to Distribute Methamphetamine	2/13/97	1

As pronounced on October 15, 1998, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 100, for Count 1 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 4TH day of NOVEMBER, 1998.


 The Honorable Sven Erik Holmes
 United States District Judge

Defendant's SSN: 441-50-8964

Defendant's Date of Birth: 3/14/60

Defendant's residence and mailing address: PO Box 1885, Tahlequah OK 74465

Defendant: CINDY ERICKSTEN
Case Number: 97-CR-183-003-H

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 162 months as to Count 1, said term to run concurrently with the sentence imposed in Northern District of Oklahoma Case 98-CR-145-H.

The Court makes the following recommendations to the Bureau of Prisons: that the defendant be designated to the FCI in Bryan, Texas and to a facility which provides Comprehensive Substance Abuse Treatment.

The defendant is remanded to the custody of the United States Marshal.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: CINDY ERICKSTEN
Case Number: 97-CR-183-003-H

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of five (5) years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the Probation Office in the district to which the defendant is released as soon as possible, but in no event, later than 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm, destructive device, or other dangerous weapon.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
5. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.
6. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state, or local crime. In addition:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: CINDY ERICKSTEN
Case Number: 97-CR-183-003-H

FINE

The defendant shall pay a fine of \$ 1,000 as to Count 1. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: CINDY ERICKSTEN
Case Number: 97-CR-183-003-H

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

Guideline Range Determined by the Court:

Total Offense Level:	41
Criminal History Category:	I
Imprisonment Range:	324 months to 405 months
Supervised Release Range:	5 years
Fine Range:	\$ 25,000 to \$ 4,000,000
Restitution:	\$ n/a

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence departs from the guideline range for the following reason: upon motion of the government, as a result of the defendant's substantial assistance.

BJJ

ENTERED ON DOCKET

DATE

11/5/98

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

UNITED STATES OF AMERICA

v.

Case Number 98-CR-096-001-H ✓

JAMES NOEL FRANKS, III
Defendant.

FILED

NOV 4 - 1998

Phil Lombardi, Clerk
U.S. DISTRICT COURTJUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

The defendant, JAMES NOEL FRANKS, III, was represented by Jeff Kearney.


The defendant pleaded guilty to Count 1 of the Information, July 1, 1998. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 USC 1341	Mail Fraud	4/11/96	1
18 USC 2	Causing a Criminal Act		

As pronounced on October 26, 1998, the defendant is sentenced as provided in pages 2 through 6 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50, for Count 1 of the Information, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 4TH day of November, 1998.
The Honorable Sven Erik Holmes
United States District Judge

Defendant's SSN: 452-84-2080

Defendant's Date of Birth: 3/14/56

Defendant's residence and mailing address: 3105 San Jacinto, Dallas TX 75204

15

Defendant: JAMES NOEL FRANKS, III
Case Number: 98-CR-096-001-H

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 5 months.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 12:00 p.m. on November 30, 1998.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: JAMES NOEL FRANKS, III
Case Number: 98-CR-096-001-H

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of three (3) years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the Probation Office in the district to which the defendant is released as soon as possible, but in no event later than 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall be placed on home detention to include electronic monitoring at the discretion of the U. S. Probation Office for a period of five (5) months, to commence within 72 hours of release from imprisonment. During this time, the defendant shall remain at place of residence except for employment and other activities approved in advance by the probation office. The defendant shall maintain a telephone at place of residence without any special services, modems, answering machines, or cordless telephones for the above period. The defendant shall wear an electronic device and shall observe the rules specified by the Probation Office. The entire cost of this program shall be paid by the defendant.
4. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

STANDARD CONDITIONS OF SUPERVISION

- 1) You will not leave the judicial district without the permission of the Court or probation officer.
- 2) You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
- 3) You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
- 4) You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
- 5) You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
- 6) You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 7) You will notify the probation officer ten days prior to any change of residence or employment.
- 8) You will not frequent places where controlled substances are illegally sold, used, distributed, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
- 9) You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
- 10) You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
- 11) You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
- 12) You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
- 13) You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
- 14) You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
- 15) As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirement.
- 16) You will not possess a firearm, destructive device, or other dangerous weapon.

Defendant: JAMES NOEL FRANKS, III
Case Number: 98-CR-096-001-H

FINE

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived.

The defendant shall pay a fine of \$ 3,000, as to Count 1. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: JAMES NOEL FRANKS, III

Case Number: 98-CR-096-001-H

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$77,040. Interest on restitution is waived by the Court.

The defendant shall make restitution to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Kwikset Corporation 1 Park Plaza, Suite 1000 Irvine, California 92614	\$77,040

Payments of restitution are to be made to the Clerk of the Court for the Northern District of Oklahoma for transfer to the payee.

Restitution shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid as a condition of supervised release.

If a victim has received compensation from insurance or any other source with respect to a loss, any restitution ordered shall be paid to the person who is a victim before any restitution is paid to any such provider of compensation.

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

Defendant: JAMES NOEL FRANKS, III
Case Number: 98-CR-096-001-H

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

Guideline Range Determined by the Court:

Total Offense Level:	13
Criminal History Category:	I
Imprisonment Range:	12 months to 18 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 3,000 to \$ 30,000
Restitution:	\$ 128,400

Full restitution is not ordered for the following reason: the ordered amount was the total received by the defendant.

The sentence departs from the guideline range for the following reason: as a result of the defendant's substantial assistance.

055

aw

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

FILEDNOV 2 - 1998 *sm*

UNITED STATES OF AMERICA

v.

Case Number 98-CR-121-001-H

Phil Lombardi, Clerk
U.S. DISTRICT COURTMARC S. NICHOLS
Defendant.

ENTERED ON DOCKET

DATE 11-2-98

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

The defendant, MARC S. NICHOLS, was represented by Jack Schisler.

The defendant pleaded guilty to Count 1 of the Information, July 24, 1998.

Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 USC 1344(1)	Bank Fraud	1/9/97	1

As pronounced on October 22, 1998, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 100, for Count 1 of the Information, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 2ND day of November, 1998.


The Honorable Sven Erik Holmes
United States District Judge

Defendant's SSN: 446-84-6632

Defendant's Date of Birth: 6/12/69

Defendant's residence and mailing address: 1329 E. 133rd Street, Grove OK 74344

Defendant: MARC S. NICHOLS
Case Number: 98-CR-121-001-H

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 12 months.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 12:00 p.m. on December 14, 1998.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: MARC S. NICHOLS
Case Number: 98-CR-121-001-H

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of three (3) years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the Probation Office in the district to which the defendant is released as soon as possible, but in no event later than 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

STANDARD CONDITIONS OF SUPERVISION

- 1) You will not leave the judicial district without the permission of the Court or probation officer.
- 2) You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
- 3) You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
- 4) You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
- 5) You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
- 6) You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 7) You will notify the probation officer ten days prior to any change of residence or employment.
- 8) You will not frequent places where controlled substances are illegally sold, used, distributed, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
- 9) You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
- 10) You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
- 11) You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
- 12) You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
- 13) You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
- 14) You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
- 15) As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirement.
- 16) You will not possess a firearm, destructive device, or other dangerous weapon.

Defendant: MARC S. NICHOLS
Case Number: 98-CR-121-001-H

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$1,284.83.

The defendant shall make restitution to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Security Bank & Trust Attn: J.R. Dismore PO Box 880 Miami OK 74355	\$1,284.83

Payments of restitution are to be made to the Clerk of the Court for the Northern District of Oklahoma for transfer to the payee.

Restitution shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid as a condition of supervised release. Credit shall be given for any payments made prior to this restitution order.

If a victim has received compensation from insurance or any other source with respect to a loss, any restitution ordered shall be paid to the person who is a victim before any restitution is paid to any such provider of compensation.

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

Defendant: MARC S. NICHOLS
Case Number: 98-CR-121-001-H

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

Guideline Range Determined by the Court:

Total Offense Level:	5
Criminal History Category:	V
Imprisonment Range:	6 months to 12 months
Supervised Release Range:	3 to 5 years
Fine Range:	\$ 250 to \$ 1,000,000
Restitution:	\$ 1,234.83

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

oi

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

FILEDNOV 2 - 1998 *rm*

UNITED STATES OF AMERICA

Phil Lombardi, Clerk
U.S. DISTRICT COURT

v.

Case Number 98-CR-070-001-H

ELDA LOUISE SPEARS
Defendant.

ENTERED ON DOCKET

DATE 11-2-98

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

The defendant, ELDA LOUISE SPEARS, was represented by Randy Lynn.

On motion of the United States the court has dismissed Count 3 of the Indictment.

The defendant pleaded guilty to Count 1 of the Indictment, July 10, 1998. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 371	Conspiracy to Obstruct Correspondence and Steal Mail Matter	4/30/98	1

As pronounced on October 26, 1998, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 100, for Count 1 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 2ND day of November, 1998.


The Honorable Sven Erik Holmes
United States District Judge

Defendant's SSN: 447-54-1907

Defendant's Date of Birth: 8/12/52

Defendant's residence and mailing address: Rt. 2 Box 65A, Haskell OK 74436

Defendant: ELDA LOUISE SPEARS
Case Number: 98-CR-070-001-H

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 16 months.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 12:00 noon on November 30, 1998.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: ELDA LOUISE SPEARS
Case Number: 98-CR-070-001-H

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of three (3) years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the Probation Office in the district to which the defendant is released as soon as possible, but in no event later than 72 hours of release from the custody of the Bureau of Prisons.
 2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
 3. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.
 4. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.
- The defendant shall perform 40 hours of community service, as directed by the Probation Office.

STANDARD CONDITIONS OF SUPERVISION

- 1) You will not leave the judicial district without the permission of the Court or probation officer.
- 2) You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
- 3) You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
- 4) You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
- 5) You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
- 6) You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 7) You will notify the probation officer ten days prior to any change of residence or employment.
- 8) You will not frequent places where controlled substances are illegally sold, used, distributed, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
- 9) You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
- 10) You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
- 11) You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
- 12) You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
- 13) You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
- 14) You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
- 5) As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirement.
- 16) You will not possess a firearm, destructive device, or other dangerous weapon.

Defendant: ELDA LOUISE SPEARS

Case Number: 98-CR-070-001-H

RESTITUTION AND FORFEITURE
RESTITUTION

The defendant shall make restitution in the total amount of \$27,186.50.

The defendant shall make restitution to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Bank of Oklahoma PO Box 2300 Tulsa, Oklahoma 74101 Attn: Linda Taylor, Audit Department	\$3,105
Phillips 66 Credit Card Center PO Box 30 Tulsa, Oklahoma 74005 (Ref. Acct#: 6118129813)	\$1,712.41
Nations Bank Attn: Leslie Edison 5950 E. Admiral Place Tulsa, Oklahoma 74115	\$3,635
State Bank & Trust Attn: Keith Parsons 502 S. Main Mall Tulsa, Oklahoma 74103 Ref: Linda Chambers	\$3,225
First National Bank & Trust Attn: Teresa Fleming PO Box 70 Broken Arrow, Oklahoma 74013	\$3,000
Chase Bank Card Services PO Box 29073 Phoenix, Arizona 85038 (Ref: Acct# 5260364295547404)	\$935
Pizza Hut c/o CRA Security Systems 4505 N. Front Street Harrisburg, Pennsylvania 17110	\$239.59
First USA Bank PO Box 8656 Wilmington, Delaware 19899-8659 Attn: Ron Webb (D1-1422) (Checks should be made payable to First USA 4417-1258-8127-9339)	\$6,617.50
Bank One Asset Recovery Unit PO Box 970347 Dallas, Texas 75397-0347	\$4,717

Payments of restitution are to be made to the Clerk of the Court for the Northern District of Oklahoma for transfer to the payees.

Restitution shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid as a condition of supervised release, except that no further payment shall be required after the sum of the amounts actually paid by all defendants as fully covered the compensable injury.

If a victim has received compensation from insurance or any other source with respect to a loss, any restitution ordered shall be paid to the person who is a victim before any restitution is paid to any such provider of compensation.

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

Defendant: ELDA LOUISE SPEARS
Case Number: 98-CR-070-001-H

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

Guideline Range Determined by the Court:

Total Offense Level:	13
Criminal History Category:	I
Imprisonment Range:	12 months to 18 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 2,000 to \$ 20,000
Restitution:	\$ 27,186.50

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

cw
"

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

FILEDNOV 2 - 1998 *rm*

UNITED STATES OF AMERICA

v.

Case Number 98-CR-070-004-H

Phil Lombardi, Clerk
U.S. DISTRICT COURTDEBORAH RUTH ATKINS
Defendant.ENTERED ON DOCKET
DATE 11-2-98

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

The defendant, DEBORAH RUTH ATKINS, was represented by Richard White.

On motion of the United States the court has dismissed Count 4 of the Indictment.

The defendant pleaded guilty to Count 1 of the Indictment, June 18, 1998. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:


<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 371	Conspiracy to Obstruct Correspondence and Steal Mail Matter	4/30/98	1

As pronounced on October 26, 1998, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 100, for Count 1 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 2ND day of November, 1998.


The Honorable Sven Erik Holmes
United States District Judge

Defendant's SSN: 443-78-3811

Defendant's Date of Birth: 6/20/62

Defendant's residence and mailing address: 3742 E. Virgin Place, Tulsa OK 74115

Defendant: DEBORAH RUTH ATKINS
Case Number: 98-CR-070-004-H

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 12 months.

The defendant is remanded to the custody of the United States Marshal.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: DEBORAH RUTH ATKINS

Case Number: 98-CR-070-004-H

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of three (3) years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the Probation Office in the district to which the defendant is released as soon as possible, but in no event later than 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.
4. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

STANDARD CONDITIONS OF SUPERVISION

- 1) You will not leave the judicial district without the permission of the Court or probation officer.
- 2) You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
- 3) You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
- 4) You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
- 5) You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
- 6) You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 7) You will notify the probation officer ten days prior to any change of residence or employment.
- 8) You will not frequent places where controlled substances are illegally sold, used, distributed, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
- 9) You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
- 10) You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
- 11) You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
- 12) You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
- 13) You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
- 14) You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
- 15) As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirement.
- 16) You will not possess a firearm, destructive device, or other dangerous weapon.

Defendant: DEBORAH RUTH ATKINS
Case Number: 98-CR-070-004-H

RESTITUTION AND FORFEITURE
RESTITUTION

The defendant shall make restitution in the total amount of \$27,186.50. Interest on restitution is waived by the Court.

The defendant shall make restitution to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Bank of Oklahoma PO Box 2300 Tulsa, Oklahoma 74101 Attn: Linda Taylor, Audit Department	\$3,105
Phillips 66 Credit Card Center PO Box 30 Tulsa, Oklahoma 74005 (Ref. Acct#: 6118129813)	\$1,712.41
Nations Bank Attn: Leslie Edison 5950 E. Admiral Place Tulsa, Oklahoma 74115	\$3,635
State Bank & Trust Attn: Keith Parsons 502 S. Main Mall Tulsa, Oklahoma 74103 Ref: Linda Chambers	\$3,225
First National Bank & Trust Attn: Teresa Fleming PO Box 70 Broken Arrow, Oklahoma 74013	\$3,000
Chase Bank Card Services PO Box 29073 Phoenix, Arizona 85038 (Ref: Acct# 5260364295547404)	\$935
Pizza Hut c/o CRA Security Systems 4505 N. Front Street Harrisburg, Pennsylvania 17110	\$239.59
First USA Bank PO Box 8656 Wilmington, Delaware 19899-8659 Attn: Ron Webb (D1-1422) (Checks should be made payable to First USA 4417-1258-8127-9339)	\$6,617.50
Bank One Asset Recovery Unit PO Box 970347 Dallas, Texas 75397-0347	\$4,717

Payments of restitution are to be made to the Clerk of the Court for the Northern District of Oklahoma for transfer to the payees.

Restitution shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid as a condition of supervised release, except that no further payment shall be required after the sum of the amounts actually paid by all defendants has fully covered the compensable injury.

If a victim has received compensation from insurance or any other source with respect to a loss, any restitution ordered shall be paid to the person who is a victim before any restitution is paid to any such provider of compensation.

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

Defendant: DEBORAH RUTH ATKINS
Case Number: 98-CR-070-004-H

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

Guideline Range Determined by the Court:

Total Offense Level:	10
Criminal History Category:	III
Imprisonment Range:	10 months to 16 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 2,000 to \$ 20,000
Restitution:	\$ 27,186.50

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

.. *aw*

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

FILEDNOV 2 - 1998 *jm*

UNITED STATES OF AMERICA

v.

Case Number 98-CR-070-002-H

Phil Lombardi, Clerk
U.S. DISTRICT COURTLINDA LEE CHAMBERS a/k/a Linda Lee Hill
Defendant.

ENTERED ON DOCKET

DATE 11-2-98

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

The defendant, LINDA LEE CHAMBERS a/k/a Linda Lee Hill, was represented by Jack Short.

On motion of the United States the court has dismissed Counts 2 & 8 of the Indictment.

The defendant pleaded guilty to Count 1 of the Indictment, June 18, 1998. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:


Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 USC 371	Conspiracy to Obstruct Correspondence and Steal Mail Matter	4/30/98	1

As pronounced on October 26, 1998, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 100, for Count 1 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 2nd day of November, 1998.


The Honorable Sven Erik Holmes
United States District Judge

Defendant's SSN: 440-72-2724

Defendant's Date of Birth: 10/12/62

Defendant's residence and mailing address: 3656 S. 106th E. Avenue, Tulsa OK 74146

Defendant: LINDA LEE CHAMBERS a/k/a Linda Lee Hill
Case Number: 98-CR-070-002-H

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 14 months.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 12:00 noon on November 30, 1998.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: LINDA LEE CHAMBERS a/k/a Linda Lee Hill
Case Number: 98-CR-070-002-H

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of three (3) years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the Probation Office in the district to which the defendant is released as soon as possible, but in no event later than 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.
4. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.
The defendant shall perform 40 hours of community service, as directed by the Probation Office.

STANDARD CONDITIONS OF SUPERVISION

- 1) You will not leave the judicial district without the permission of the Court or probation officer.
- 2) You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
- 3) You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
- 4) You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
- 5) You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
- 6) You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 7) You will notify the probation officer ten days prior to any change of residence or employment.
- 8) You will not frequent places where controlled substances are illegally sold, used, distributed, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
- 9) You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
- 10) You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
- 11) You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
- 12) You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
- 13) You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
- 14) You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
- 15) As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirement.
- 16) You will not possess a firearm, destructive device, or other dangerous weapon.

Defendant: LINDA LEE CHAMBERS a/k/a Linda Lee Hill

Case Number: 98-CR-070-002-H

RESTITUTION AND FORFEITURE
RESTITUTION

The defendant shall make restitution in the total amount of \$27,186.50. Interest on restitution is waived by the Court.

The defendant shall make restitution to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Bank of Oklahoma PO Box 2300 Tulsa, Oklahoma 74101 Attn: Linda Taylor, Audit Department	\$3,105
Phillips 66 Credit Card Center PO Box 30 Tulsa, Oklahoma 74005 (Ref. Acct#: 6118129813)	\$1,712.41
Nations Bank Attn: Leslie Edison 5950 E. Admiral Place Tulsa, Oklahoma 74115	\$3,635
State Bank & Trust Attn: Keith Parsons 502 S. Main Mall Tulsa, Oklahoma 74103 Ref: Linda Chambers	\$3,225
First National Bank & Trust Attn: Teresa Fleming PO Box 70 Broken Arrow, Oklahoma 74013	\$3,000
Chase Bank Card Services PO Box 29073 Phoenix, Arizona 85038 (Ref: Acct# 5260364295547404)	\$935
Pizza Hut c/o CRA Security Systems 4505 N. Front Street Harrisburg, Pennsylvania 17110	\$239.59
First USA Bank PO Box 8656 Wilmington, Delaware 19899-8659 Attn: Ron Webb (D1-1422) (Checks should be made payable to First USA 4417-1258-8127-9339)	\$6,617.50
Bank One Asset Recovery Unit PO Box 970347 Dallas, Texas 75397-0347	\$4,717

Payments of restitution are to be made to the Clerk of the Court for the Northern District of Oklahoma for transfer to the payees.

Restitution shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid as a condition of supervised release, except that no further payment shall be required after the sum of the amounts actually paid by all defendants as fully covered the compensable injury.

If a victim has received compensation from insurance or any other source with respect to a loss, any restitution ordered shall be paid to the person who is a victim before any restitution is paid to any such provider of compensation.

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

Defendant: LINDA LEE CHAMBERS a/k/a Linda Lee Hill
Case Number: 98-CR-070-002-H

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

Guideline Range Determined by the Court:

Total Offense Level:	13
Criminal History Category:	I
Imprisonment Range:	12 months to 18 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 3,000 to \$ 30,000
Restitution:	\$ 27,186.50

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

FILEDNOV 2 - 1998 *rm*

UNITED STATES OF AMERICA

v.

Case Number 98-CR-070-003-H

Phil Lombardi, Clerk
U.S. DISTRICT COURT

JAMES MICHAEL DUROY
 Defendant.

ENTERED ON DOCKET
 DATE 11-2-98

JUDGMENT IN A CRIMINAL CASE
 (For Offenses Committed On or After November 1, 1987)

The defendant, JAMES MICHAEL DUROY, was represented by Cindy Hodges Cunningham.

On motion of the United States the court has dismissed Count 8 of the Indictment.

The defendant pleaded guilty to Count 1 of the Indictment, June 18, 1998. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 USC 371	Conspiracy to Obstruct Correspondence and Steal Mail Matter	4/30/98	1

As pronounced on October 26, 1998, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 100, for count(s) 1 of the Indictment, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 2nd day of November, 1998.

[Signature]
 The Honorable Sven Erik Holmes
 United States District Judge

Defendant's SSN: 507-84-2301

Defendant's Date of Birth: 2/4/62

Defendant's residence and mailing address: 1120 N. Gary Avenue, Tulsa OK 74110

Defendant: JAMES MICHAEL DUROY
Case Number: 98-CR-070-003-H

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 7 months.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons 12:00 noon on November 30, 1998.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: JAMES MICHAEL DUROY
Case Number: 98-CR-070-003-H

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of three (3) years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. The defendant shall report in person to the Probation Office in the district to which the defendant is released as soon as possible, but in no event later than 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.
4. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

STANDARD CONDITIONS OF SUPERVISION

- 1) You will not leave the judicial district without the permission of the Court or probation officer.
- 2) You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
- 3) You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
- 4) You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
- 5) You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
- 6) You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 7) You will notify the probation officer ten days prior to any change of residence or employment.
- 8) You will not frequent places where controlled substances are illegally sold, used, distributed, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
- 9) You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
- 10) You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
- 11) You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
- 12) You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
- 13) You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
- 14) You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
- 15) As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirement.
- 16) You will not possess a firearm, destructive device, or other dangerous weapon.

Defendant: JAMES MICHAEL DUROY

Case Number: 98-CR-070-003-H

RESTITUTION AND FORFEITURE
RESTITUTION

The defendant shall make restitution in the total amount of \$27,186.50. Interest on restitution is waived by the Court.

The defendant shall make restitution to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Bank of Oklahoma PO Box 2300 Tulsa, Oklahoma 74101 Attn: Linda Taylor, Audit Department	\$3,105
Phillips 66 Credit Card Center PO Box 30 Tulsa, Oklahoma 74005 (Ref. Acct#: 6118129813)	\$1,712.41
Nations Bank Attn: Leslie Edison 5950 E. Admiral Place Tulsa, Oklahoma 74115	\$3,635
State Bank & Trust Attn: Keith Parsons 502 S. Main Mall Tulsa, Oklahoma 74103 Ref: Linda Chambers	\$3,225
First National Bank & Trust Attn: Teresa Fleming PO Box 70 Broken Arrow, Oklahoma 74013	\$3,000
Chase Bank Card Services PO Box 29073 Phoenix, Arizona 85038 (Ref: Acct# 5260364295547404)	\$935
Pizza Hut c/o CRA Security Systems 4505 N. Front Street Harrisburg, Pennsylvania 17110	\$239.59
First USA Bank PO Box 8656 Wilmington, Delaware 19899-8659 Attn: Ron Webb (D1-1422) (Checks should be made payable to First USA 4417-1258-8127-9339)	\$6,617.50
Bank One Asset Recovery Unit PO Box 970347 Dallas, Texas 75397-0347	\$4,717

Payments of restitution are to be made to the Clerk of the Court for the Northern District of Oklahoma for transfer to the payees.

Restitution shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid as a condition of supervised release, except that no further payment shall be required after the sum of the amounts actually paid by all defendants has fully covered the compensable injury.

If a victim has received compensation from insurance or any other source with respect to a loss, any restitution ordered shall be paid to the person who is a victim before any restitution is paid to any such provider of compensation.

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

Defendant: JAMES MICHAEL DUROY
Case Number: 98-CR-070-003-H

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

Guideline Range Determined by the Court:

Total Offense Level:	10
Criminal History Category:	I
Imprisonment Range:	6 months to 12 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 2,000 to \$ 20,000
Restitution:	\$ 27,186.50

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA

FILED
OCT 30 1998

UNITED STATES OF AMERICA
Plaintiff

VS

JEFFREY MCELHANEY
Defendant

Phil Lombardi, Clerk
U.S. DISTRICT COURT

95-CR-091-001-H ✓

ENTERED ON DOCKET

DATE 11-1-98

AMENDED ORDER REVOKING SUPERVISED RELEASE

Now on this 30th day of October, 1998, this cause comes on for re-sentencing on revocation of Supervised Release. On the 23rd day of January, 1998, the defendant's Supervised Release was revoked after McElhaney was found in violation of the conditions of supervised release as alleged in the Petition on Supervised Release filed on December 22, 1997. At that Hearing, the defendant was present in person and represented by counsel, Mike Able. The Government was represented by Assistant United States Attorney, Neal Kirkpatrick, and the United States Probation Office was represented by Robert E. Boston and Doug Burris.

The defendant was heretofore convicted on August 8, 1995, on his plea of guilty to a one count Indictment charging violation of 18 § U.S.C. 472, Uttering Counterfeit Obligations or Securities. On November 7, 1995, he was sentenced to the custody of the Bureau of Prisons for a term of nineteen (19) months, followed by a three (3) year term of supervised release.

On January 16, 1998, a Revocation Hearing was held regarding the allegations cited in the Petition

14
2 Cert. of
USPO

on Supervised Release filed on December 22, 1997, as follows:

1. VIOLATION OF CONDITION NO. 7: "Unlawful use of controlled substance" On June 12, 23, and 27, August 11, 15 and November 3, 1997, the defendant submitted urine specimens which tested positive for the use of methamphetamine and amphetamine.
2. VIOLATION OF CONDITION NO. 7: "Unlawful use of controlled substance" On December 3, 1997, the defendant submitted a urine specimen which tested positive for the use of marijuana.
3. VIOLATION OF SPECIAL CONDITION: "The defendant shall participate in a program of substance abuse testing and treatment (to include inpatient) as directed by the probation officer." On November 10, 1997, the defendant failed to attend counseling and to submit a urine specimen as directed by the probation officer.

The defendant stipulated to the violations.

At sentencing the Court found that the conviction occurred after November 1, 1987, and that Chapter 7 of the U.S. Sentencing guideline is applicable. Further that McElhaney had committed Grade C violations in accordance with USSG 7B1.1(a)(3) and that his Criminal History Category of VI was applicable for determining the imprisonment range. Pursuant to USSG § 7B1.3(g)(2) the Court may have imposed a new term of supervised release of up to eighteen (18) months.

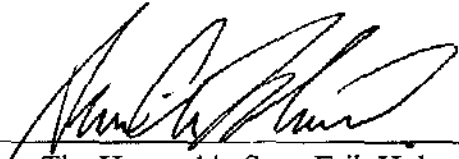
The Court found that Grade C violations and a Criminal History Category of VI establishes a revocation imprisonment range of eight (8) to fourteen (14) months, in accordance with USSG §

7B1.4(a) and 18 § U.S.C. 3583(e). In consideration of these findings and pursuant to U.S. vs Lee, 757 F2d 770 (10th Cir 1992), in which the circuit determined that the policy statements in Chapter 7 were not mandatory, but must be considered by the Court, the following sentence was ordered:

The defendant, Jeffrey McElhaney, was committed to the custody of the U.S. Bureau of Prisons to be imprisoned for eighteen (18) months, to be followed by a term of supervised release of eighteen (18) months. The Court recommended to the Bureau of Prisons that the defendant be placed in the Bureau of Prisons Comprehensive Substance Abuse Program. In addition to the standard conditions of supervised release, the defendant was ordered to successfully participate in a program of testing and treatment (to include inpatient) for alcohol and drug abuse, as directed by the probation officer, until such time as released from the program by the probation officer.

The Order Revoking Supervised Release, filed in U.S. District Court on January 29, 1998, did not include the recommendation to the Bureau of Prisons that the defendant be placed in the Comprehensive Substance Abuse Program, and McElhaney was not placed in said program. The sole reason for the eighteen (18) month sentence was to insure that McElhaney be allowed to participate in this program. Accordingly, this matter is now before the Court for re-sentencing. The Court again finds that Grade C violations and a Criminal History Category of VI establishes a revocation imprisonment range of eight (8) to fourteen (14) months, in accordance with USSG § 7B1.4(a) and 18 U.S.C. § 3583(e). In consideration of these findings and pursuant to U.S. vs Lee, 757 F2d 770 (10th Cir 1992), in which the circuit determined that the policy statements in Chapter 7 were not mandatory, but must be considered by the Court, the following amended sentence is ordered:

The defendant, Jeffrey McElhaney, is committed to the custody of the U.S. Bureau of Prisons to be imprisoned for fourteen (14) months, to be followed by a term of supervised release of eighteen (18) months. The defendant will be given credit for all time served. In addition to the standard conditions of supervised release, the defendant is ordered to successfully participate in a program of testing and treatment (to include inpatient) for alcohol and drug abuse, as directed by the probation officer, until such time as released from the program by the probation officer.

A handwritten signature in black ink, appearing to read 'Sven Erik Holmes', is written over a horizontal line.

The Honorable Sven Erik Holmes
United States District Judge